

3 1761 119682391

JUN 1  
1988  
D021

Government  
Publications

COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON THURSDAY, JUNE 22, 1989

VOLUME 63



COMMISSION OF INQUIRY INTO THE  
USE OF DRUGS AND BANNED PRACTICES  
INTENDED TO INCREASE ATHLETIC PERFORMANCE

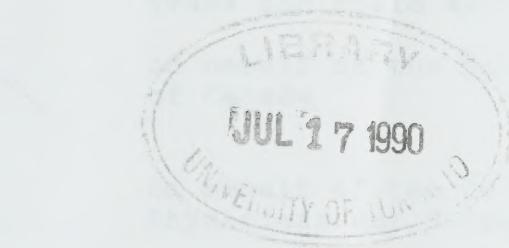
R. MERRISON, Q.C.  
Mr. A. CHOMI

Mr. DALE J. COOPER  
Commissioner

R. MERRISON

R. MERRISON

B E F O R E :



THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,  
2nd FLOOR, TORONTO, ONTARIO,  
ON THURSDAY, JUNE 22, 1989

VOLUME 63



Digitized by the Internet Archive  
in 2023 with funding from  
University of Toronto

<https://archive.org/details/31761119682391>

(i)

C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
J. DePENCIER	on behalf of the Government of Canada
R. STEINECKE	on behalf of the College of Physicians and Surgeons
A. PRATT	on behalf of Charles Francis
D. SOOKRAM	on behalf of Dr. M. G. Astaphan



(ii)

I N D E X   O F   W I T N E S S E S

NAME	PAGE NO.
BRUCE KIDD, Affirmed	10650
Examination by Mr. Armstrong	10650
Examination by Mr. Bourque	10716
Examination by Mr. Pratt	10720
Examination by Mr. DePencier	10724
Examination by Mr. Armstrong	10727
WARREN ROBINSON, Sworn	
Examination by Ms. Chown	10734
Examination by Mr. Sookram	10751
DANIEL MARKUS, Sworn	
Examination by Ms. Chown	10758
Examination by Mr. Sookram	10780
Examination by Ms. Chown	10787
CHARLES PATRICK OXLEY, Sworn	
Examination by Ms. Chown	10789
Examination by Mr. Sookram	10799
FRANCESCO ALESSANDRO PARADISO, Sworn	
Examination by Ms. Chown	10805
Examination by Mr. Sookram	10818



---Upon resuming

THE COMMISSIONER: Mr. Armstrong?

MR. ARMSTRONG: Thank you, Mr. Commissioner.

Our next witness is Professor Bruce Kidd, who is present  
5 and would rather be affirmed.

THE COMMISSIONER: He will be affirmed.

Thank you.

BRUCE KIDD: Affirmed

10 THE COMMISSIONER: Mr. Kidd.

EXAMINATION BY MR. ARMSTRONG:

Q. Yes, Mr. Kidd, I'm going to ask you a few questions about your background starting with perhaps 15 the most significant fact; that you were born in Ottawa in July of 1943 and then came to Toronto where you had your early education and your high school education, particularly at Malvern Collegiate, is that right?

A. Yes.

20 Q. And you then went on to the University of Toronto and studied Political Economy receiving your Bachelor of Arts Degree in 1965, is that correct?

A. Yes.

Q. Then, as far as your academic career is concerned, you've spent a year at the University of  
25



Chicago in the adult education field receiving the degree  
of A.M.

A. Yes.

Q. In 1968?

5 A. Yes.

THE COMMISSIONER: What's that degree stand  
for A.M?

THE WITNESS: Well, the Americans put it  
backwards. It's a Masters degree.

10 THE COMMISSIONER: It's an M.A?

THE WITNESS: Yes.

MR. ARMSTRONG:

15 Q. All right. And then, Mr. Kidd, you got  
back into your own formal education a little later and  
awarded a Master of Art degree in History at York  
University in 1980?

A. Yes.

20 Q. And then among your academic awards and  
achievements, you received the Breuls Gold Medal in  
political economy at the University of Toronto in 1965,  
the Kellogg Fellowship in Continuing Education in 1967, a  
Ford doctoral scholarship you were awarded in 1968 which  
you were unable to accept, and you were a distinguished  
25 visitor to the University of Alberta in 1986, is that



correct?

A. Yes.

Q. And you -- your teaching career has included, 1965 to 1966, you were a lecturer at the 5 Maharajah's College in India under a Columbo Plan Project in adult education, is that so?

A. Well, there was two positions there. I taught English in Maharajah's College while, at the same time on a part-time basis, I worked as the information officer for the Columbo Plan Project at the university. 10

Q. And then from 1970 to '73 you were a lecturer in the Department of Political Economy at the University of Toronto in the inter-disciplinary studies program, is that correct?

A. Yes.

Q. And in 1973, as well, you were an instructor in the Mobile Intensive Learning Experience in Seneca College.

From 1973 to 1979, you were assistant 20 professor, School of Physical and Health Education, University of Toronto, with a cross-appointment to both -- well, New College, '75 to '77, a further cross-appointment to University College in 1977, is that correct?

A. Yes.

Q. And then you were promoted to associate 25



professor with tenure in 1979 and at the present time you hold the rank of associate professor in Physical and Health Education at the University of Toronto and you, as well, hold the position of co-ordinator of Canadian Studies at University College, University of Toronto?

5

A. Yes.

Q. All right. And among other your pursuits, quite apart from your academic career, you have done various things including, back in your university days, being a reporter with the CFRB radio station, a reporter with the Toronto Star.

10

Then in 1965, I note you were a research officer with Fitness and Amateur Sport at the Department of National Health and Welfare in Ottawa, is that correct?

15

A. Yes.

Q. And then from 1966 to '7, before you were launched on your academic career, you were Community Programs Officer with the Ontario Department of Education; '68, you were Director of the Neighbourhood Advisory Board Training Program in the -- at the University of Chicago, is that correct?

20

A. Yes.

25

Q. And then '68 to '70, you were executive assistant and research officer with the committee -- sorry, executive assistant and research officer, Secretary



of the Treasury Board and Secretary, Committee on  
Government Productivity with the Ontario Government?

A. That is correct.

Q. And then, Mr. Kidd, looking at your  
5 C.V., you have written widely in the field of sport and --  
including a book on -- entitled, "The Death of Hockey,"  
which you co-authored with John MacFarlane; you wrote a  
work entitled, "The Political Economy of Sport".

You co-authored a book with Mary Ebberts  
10 entitled, "Athletes' Rights in Canada," and you have also  
written a number of articles and chapters related --  
chapters and books related to sport generally, including  
one with the interesting title, "The Myth of the Ancient  
Olympics". Is all of that correct?

15 A. Yes.

Q. All right. And finally, you were part  
of a committee that studied amateur boxing and -- were you  
Chairman of that committee?

A. I was the Chairman, I wrote the report.

20 Q. You wrote the report entitled, "The  
Report of the Ontario Amateur Boxing Review Committee"?

A. Yes,

THE COMMISSIONER: What year was that, Mr.  
Kidd?

25 THE WITNESS: 1982, '83. I believe. You've



got the paper there.

MR. ARMSTRONG: Yes, I'm sorry,

THE WITNESS: We reported in 1983.

MR. ARMSTRONG: 1983.

5

THE COMMISSIONER: Thank you.

MR. ARMSTRONG: All right. Then ---

THE COMMISSIONER: Well, tell us what you've been doing lately.

10

MR. ARMSTRONG:

Q. Then on the purely athletic side, you were associate secretary for sport of the Canadian Union of Students from 1964 to '68.

15

You were a member of the advisory committee for Women in Sport and Fitness, is that correct?

A. Yes.

Q. And you have been a member of the Canadian Olympic Association since 1981? You're still a member?

20

A. Yes, I am.

Q. I know -- we know from the evidence that we've heard, there are various categories of membership in the Canadian Olympic Association and which category do you account for?

25

A. I'm a lowly B member although I'm chair



of one of the committees, the Olympic Studies Committee.

Q. Now, I'm sorry, I've forgotten. The B category comes in as a result -- you're a member at large chosen by the others, is that it?

5

A. That is correct. I'm of the list of 100.

Q. So, you don't represent a particular sport but are elected presumably to represent the broad range of sporting interests?

10

A. That is correct.

Q. All right. Then, you, of course, are one of Canada's foremost track and field athletes of recent years and let's just take a moment to look at your track and field career.

15

You told me, this morning, that it started at Malvern Collegiate when you and the former Mayor of Toronto, John Sewell, comprised the track team at Malvern, he being the high jumper, you being the distance runner, middle distance runner ---

20

A. Well, there were certainly other members of the team and I wouldn't want to disparage their ability, but John and I were the only ones who won anything of significance in those years.

25

Q. All right. And then from Malvern Collegiate, you went on to the University of Toronto, we



know. Did you, as well, like many of the other athletes from whom we have heard, have an affiliation with a track and field club?

5 A. Yes. I ran during the summers for the East York track club coached by Fred Foot and then, during the winter, I ran for the University of Toronto when I was a student there, previously for Malvern Collegiate.

10 Q. All right. Now, when Mr. Andy Higgins testified a couple of months ago, he indicated that at some point in time, there was a kind of merger of the East York Track Club and a group of athletes who were training at the University of Toronto to become the University of Toronto Track Club. Were you involved in that?

15 A. Yes. I like to think that Andy and I were the co-founders of the University of Toronto Track Club in 1971.

20 I should also say, though, that the University's tradition of combining athletes outside the campus, working athletes, high school athletes with the university athletes in a single program, has been going on since the 1930's, at least.

25 So that, University of Toronto Track Club really formalized what had existed long before that. When Fred was the coach of East York he was also the coach of the U of T. And so it would run as the same program



although at different times of the year.

Students, like Bill and myself, would wear one uniform or the other. Others members who were just with East York would only run for East York 12 months of the year but we trained together, travelled together. It was really the same operation and that practice of integrating community athletes ---

THE COMMISSIONER: Even though they weren't university students, they could join this track club?

10 THE WITNESS: That is correct. And that really goes back to the 30's, although it was only formalized in 1971.

MR. ARMSTRONG:

15 Q. Now, before you went -- before you left high school and went off to the University of Toronto, did you give any consideration to going to the United States both for your education and to further your interest in track and field?

20 A. Yes, I did. Because I was a successful high school athlete, I was swamped with offers from American universities to come there and run. I think I was received more than a hundred of them during my last two years of high school.

Some of them were quite lavish. I was



offered cars. At one point, my girlfriend at the time was offered tuition at the same time. It was quite a heady experience for a young man at the time.

With the help of my parents, I narrowed them down to a couple of the Ivy League universities and focused on Harvard and, in my mind, because I couldn't keep all of these offers together at the same time, I created a comparison between Harvard, as the best of what the Americans could offer, and the University of Toronto.

And really to telescope a difficult decision, I chose U of T for two reasons. I grew up in a family of Canadian nationalists and the people from Harvard were extremely arrogant about Canada.

John Kennedy had just been elected and they thought they had keys to the world and they kept on disparaging the little backwater of Toronto that I lived in and the University of Toronto and promising me entre to anywhere in the world if I joined the new Roman Empire, headed up by John F. Kennedy. And that was part of it.

There was some very nice people at Harvard. I, in the course of going to university and meeting faculty and meeting students, met some terrific people. But, there was a -- there was an element of American arrogance that got my back up a little.

At the same time, the track program there



5

was focused on the American dual meet competitive schedule which is an extremely competitive one and in which athletes train very hard to run for points for Harvard, Brown, Yale and so on and usually, by the end of the college season, they're exhausted from that competition.

The coach, very fine coach, highly respected, met me and talked with excitement about how he could use me in four races every Saturday afternoon from January through to June.

10

15

20

25

I had my eye on an international career, as well as a college career, and the idea of running four events every Saturday from January to June, instead of going to the University of Toronto where I could pick my races carefully, really didn't turn me on either. So, the long and the short of it is that I, despite very serious consideration -- I don't want to say that I didn't consider it seriously -- I decided to pay my own way to the University of Toronto and I went there at a good time, studied with some of the best minds in Canada, C.B. MacPherson, Peter Russell and so on, and I'm very lucky to have been able to go to U of T in those years.

Q. Now, so far as your track career is concerned, your specialties, as I understand it, were the two miles, three miles and six miles when we were still using the English distances and yards.



And when you were running the European circuit, you ran -- your specialties were the 5,000, 10,000 metres, is that correct?

5

10

15

20

25



A. That's correct. I was in those days what they referred to as a long distance runner.

Q. But you as well also ran the mile, and the two mile. Indeed, I think you told me this morning  
5 that it wasn't completely unheard of for you to run the half mile or the 800 meters?

A. That is correct. Occasionally the club would have relays. There was always a two-mile relay on the indoor circuit in the United States. And occasionally  
10 I would run one of the early legs knowing that Bill could win it whatever the deficit was on the last leg.

THE COMMISSIONER: Run the half mile then?

THE WITNESS: Yes.

15

MR. ARMSTRONG:

Q. When you mentioned Bill, of course, that's Bill Crothers. And you and he were the same vintage and both leading Canadian international runners at the time?

20

A. Yes, we were members of the same club and we traveled together to all these meets. I am reminded of all of this by his testimony here the other day which I watched on television. So, I am feeling very nostolgic.

25

Q. Well, we will give you an opportunity



to deal in a little more nostolgia. You in fact held the Canadian record for period of time in the one mile, having set that record in 1962 on a cinder track at Varsity Stadium in a time of 4:1.1.

5

THE WITNESS: Yes.

THE COMMISSIONER: What year was that?

THE WITNESS: In 1962.

THE COMMISSIONER: All right.

10

MR. ARMSTRONG:

Q. Indeed, that cinder track still exists and perhaps the only cinder track left that people still run and train --

15 THE COMMISSIONER: I am sorry, that was a very fast mile. You did a lot of mile running in those days?

20 THE WITNESS: No, I only ran one or two races a year. In retrospect now I am sorry that I didn't run more frequently because I am sure I could have broken four, but --

25 THE COMMISSIONER: You were so close back in '62?

THE WITNESS: But that was a speed workout for me in terms of my real interest. I mean hindsight is easy. It would have been nice to be part of the



Under-Four-Mile Club, but I think that year I only ran the mile a couple of times.

MR. ARMSTRONG:

5 Q. And then you at one time broke and held the European record for the indoor two miles, is that correct?

A. Yes.

10 Q. And you also from time to time broke and held the United States records in the 3,000, 5,000 -- three miles-5,000 meters and the six miles-10,000 meters; that is correct?

A. Yes.

15 Q. As well as those records, you have been the Canadian record in the two miles, three miles-5,000 meters and six miles-10,000 meters?

A. Yes.

20 Q. Then back in the early sixties when you and Mr. Crothers were representing Canada and running at your peak, the meets that you ran in included such meets as the Milrose Games in New York, a prestigious meet that is still held today every year, is that so?

A. Yes.

Q. The Mount San Antonio relays?

A. Yes.



Q. The California relays and the Compton Games, those were all major meets that both you and Crothers attended in the United States?

A. Yes.

5 Q. Indeed you were a regular winner of the distance races in those meets in the United States from time to time over those years in both the two miles and three miles?

A. Yes.

10 Q. Then you were part of Canada's team in what was called the British Empire and Commonwealth Games in Perth, Australia in 1962?

A. Yes.

15 Q. You won the gold medal for the six miles and the bronze medal for the three miles?

A. Yes.

Q. You were a member of our Canadian Olympic team in 1964 for the Toyko Olympics competing in both the 5,000 and 10,000 meters?

A. Yes.

20 Q. Then were you, when you -- let me just go back for a moment. Your heavy competition years, if I can put it that way, were, what '60 to '64, is that sort of it, those four years?

A. Yes.



5                   Q. When you were competing in those years, you, of course, were also going to school, but what was your time commitment, if I can put it that way? To what extent were you involved as a full time athlete and a part time student or a part time athlete and a full time student, if I can put it that way?

A. Well, my grades did not always show it every year, but I was a full time student at the university.

10

Q. Yes?

15

A. And pretty much a part time athlete, although it was certainly the major preoccupation for me. But in terms of a comparison with today, we were expected to combine our athletics with other pursuits. And I think we were very successful in doing that.

20

I was a full time student. In one year I was a first class student. At the same time I was sub-editor on the Varsity, which was a campus newspaper. I was involved in some of the campus political activities, and I held a part time job, as you have indicated.

25

And Bill and the other students that we ran with were very much in the similar position. Bill was president of the pharmacy students society, and I think president of his fraternity and I think he even sat on the students administrative council for one year, although I



may be wrong about that.

It was very much expected to be and we -- we tried very much to make it an avocational activity rather than a primary focus.

5

Now, we were focused at competition time.

10

We would practice in an embryonic way the concentration of focussing techniques that people now use. And certainly we were highly competitive and we wanted to win and everything, but we made a real effort to combine it with other activities.

And even when we traveled abroad, I mean one of the things that I am very grateful for for living in that period is that we were able to make educational field trips really out of our trips to Europe.

15

Our faculty, teachers, our parents in my case because my father was involved in adult education would give us contacts so that we competed in the Europe and meet leading journalists and ask them about the politics of day or we would make field trips.

20

We didn't stay in our hotel and lie on our back and stare at the ceiling, but we combined our races with our other activities. And many of our competitors and our rivals were in the same position. And although the tension between someone who was in your precise event might have been -- as I have just squirmed in my seat --

25



5

might have put you on edge, you often went on a hike with them or visited a museum with them or did some kind of -- in Australia, we visited all the western Australian wineries, that sort of thing. And it was regarded as a very important aspect of our lives.

10

15

20

As I was saying to you outside, and maybe I am anticipating your next question, I started to train twice a day in about 1963 to add a morning run. It wasn't a training run by any means, it was really a light jog for a couple of miles to loosen up. And it was because I had moved out of the campus to live on residence at Sir Daniel Wilson I had some extra time. And I threw that into my program and it strengthened me marginally. It made me a better runner. And I was mentioning this to several of my competitors at a banquet after a meet in Scotland, I think it was the Highland Games in Edinburgh. They were quite shocked and horrified. I remember Martin Hyman who was one of my competitors and someone I looked up to because he -- I was still much younger than many of these people and I looked up to what their accomplishments were.

25

And he was a man who was easily in the top 10 in the world in his event on 40 miles a week or 65 kilometers a week, which is really very little in terms of training.

And he said, you know you represent the thin



5

10

edge of the wedge. If it gets to the point where people are training twice a day, then they will move on to three times a days because probably there is a marginal efficiency to be gained with a lot more training. And it will become a full time occupation and the life we lead will be impossible. And it will mean that people such as us will be forced to choose from being a full time athlete, focussing on nothing but the sport, or a recreational athlete with little opportunity to travel and compete at a high level.

15

And I still remember that because I was trying to defend the new approach, training twice a day, and surprised that I was under attack. And now realizing how prophetic that was because subsequent Canadian athletes have experienced great difficulty trying to make that choice.

20

And nowadays there is just no question. You hear Milt Ottey talk here the other day, you hear the other athletes who participated in a survey. Athletes today identify themselves as full time athletes.

If you look at the handbook that the Canadian Olympic Association published with the athletes in Seoul, the overwhelming majority list their occupation as full time athlete.

25

That's a world of difference from the days



when Bill and I competed. And that's the context of the change.

Q. Then what about performance-enhancing drugs? Were they at all during the period of time that  
5 you competed a factor?

A. Not that I believe, not that I believe then or was even aware of then for the running events, not that I believe today.

In the mid-sixties, my teammate Dave Steen,  
10 the uncle, with whom I roomed in Perth and was very close to for many years, he agonized over whether to use steroids because in the early sixties steroids were coming in. And I was on the periphery of that, but it just seemed like -- it seemed like a world away.

15 In terms of the running events, there were a few rumors about some of the top athletes, but I regarded them as rumours. There was no evidence and I mean one discounts, at least I think for many of us, the feeling is you discount a rumor about someone who is a successful athlete and whom you admire as a bit of sour grapes.  
20

25 In 1960, we had all been shocked by the death of Knud Jensen, the Danish cyclist in the Rome Olympics, the death which led the IOC to begin investigating drugs and eventually which led the IOC to create the drug testing protocol that has ultimately led,



I guess, we would say, to the appointment of this Commission.

But you know maybe we were kidding ourselves, but I don't think so. That sort of amphetamine use which killed Jensen was not a part of track and field.

5

10

Q. All right. Then one other question about the days in which you and Crothers were competing, what did you use for financial support? I mean when you and Crothers would be going down to the Milrose Games and these various meets in the States and to Europe, it obviously was in terms of the dollar then an expensive proposition. And how did you raise money and what resources were available?

15

20

A. Well, in terms of the entire outlay for the track program, our club, East York, got a small contribution from the municipality of East York. We did a good deal of fundraising ourselves. I mean it shocks people today, but I can literally remember taking my Commonwealth gold medal and selling tags in front of supermarkets and beer stores in the sixties. And Bill did the same, and other athletes of that vintage did the same.

I don't know whether Roger Jackson has been here yet, the president of the COA, but --

THE COMMISSIONER: He will be.

THE WITNESS: -- we often reassure



ourselves, I guess, by telling these kind of stories. He was in rowing and he did the same. You had to raise money to some extent.

5 We came, both Bill and I came out of middle class backgrounds, and our, you know, we are our body and soul, that sort of the support came in large part from our parents, at least through our developmental years, and then we took on part time jobs to work our way through university.

10 In terms of travel, when we traveled representing Canada for the Olympics and the Commonwealth Games, those expenses were paid for by the respective associations, the COA and the Commonwealth Games Association. And they did fundraising in the community.

15 And there would be the hat passed around at meets where we competed.

In terms of the big meets like Milrose, we were actually invited, and we received airline tickets. And as Bill mentioned the other day, \$20.00 U.S. a day expenses. And that paid for our hotel and our taxis and our meals and so on.

20 But in terms of payment, strict amateur was still -- amateurism was still the rule and it was still enforced throughout the sixties. So, that you couldn't accept appearance fees, nobody ever offered them to you



directly. You couldn't accept endorsements, you couldn't even write for a newspaper on the subject of your sport, in my case, track and field without risking your amateur status.

5

When I started to write as a journalist and covered a few track meets, I had to formally apply for dispensation from the amateur ruling in order to do that.

10

There was one year, one summer, when I was injured. I had two legs in a cast. And one of the newspapers, which you have mentioned, asked me to write on track for that summer. And I had to apply saying that my -- I have supported myself so far as a journalist, and I would like to pursue a career in journalism. That was one of the options, and could, therefore, on grounds that this is not something -- I am not capitalizing on my athletic fame, but I am in fact pursuing a normal career, could I still maintain my amateur status.

15

20

Athletes who wanted to be physical education instructors and wanted to get summer jobs as swimming instructors or as playground supervisors were in the same position. They had to apply for dispensation. So, there was a very strict amateur code. And the officials of Ontario and Canada enforced it quite, quite strenuously. The only thing -- the only thing that our club did that was a stretch of the rules was to bargain for air tickets.

25



A. In those years, the athletes couldn't even negotiate with the meet promoters. I mean, it wouldn't be Bill and I who answered the telephone calls or dealt with the -- it had to be Fred, and if it was us, we 5 might be under suspicion.

There were always rumours in those days that some athletes were receiving under-the-table appearance monies, and some athletes, I have no doubt, were. Fred Foot believed strongly in the value of amateurism and he 10 was also an official of the AAU, and he certainly wasn't going to stick his hand out for under-the-table money, but he did use our celebrity, if I may be immodest for a minute, to get plane tickets for other members of our club.

15 And so he used to say, if you want Bill and Bruce to come and compete in X and Y meet, you should send us six tickets and we'll bring along a relay team. These young men want to travel with their teammates, and we have a team that is as competitive as any other in North 20 America. Why don't you bring them along. And often that worked so it wouldn't be just Bill and I running individual events, but the relay team would come too.

There were some people who thought that was a "sharp practice" and Fred got a little bit of criticism, 25 but we did it and I think it was good for us and it gave



other Canadians an opportunity to compete internationally.

Q. All right. And indeed when, as I recall it, often when you and Crothers would go off to the Milrose Games and some of these meets in the United States, indeed you and he were often the so-called headliners of those meets, is that not so?

A. It's a long time ago, but I like to think we did pretty well.

Q. All right. Then I think it goes without saying, having reviewed your C.V. and in the detail that I did that both through your academic career at the University of Toronto and through your continuing associations with various organizations, including the Canadian Olympic Association and so on, that you have stayed in touch with sport in Canada and in particular stayed in touch with the track and field scene.

Is that a reasonable statement for me to make and ask you to agree with?

A. To the best of my ability, although I'm no longer at the track everyday and I'm no longer in day-to-day contact with some of the athletes and coaches, but I continue to go to meets and subscribe to the track and field magazines, and I would like to think that I am.

Q. And indeed, one of the things that we are going to get to in a moment, but one of the things



that - I apologize - I left out in going over your C.V., you were a member of the Minister's task force which ultimately produced the report of the task force on national sport policy?

5

A. Yes, I was.

THE COMMISSIONER: Was that June of '88?

Was that the '88 report?

10

MR. ARMSTRONG: Yes, August of '88. And I'm going to ask Mr. Kidd in a few minutes some questions about that.

15

Q. Also, because of your background and your position at the University of Toronto, you from time to time are in touch with today's athletes who come and speak to you, consult with you, ask for your advice and opinions on a whole host of subjects including this perplexing problem of the use of anabolic steroids in particular and performance-enhancing drugs in general?

A. Yes.

20

Q. And you, I understand it, have kept up a close friendship and professional association with Andy Higgins, the head coach of the University of Toronto Track Club?

A. Yes.

25

Q. All right. Now I wanted to move into



5

two or three subjects that I am going to ask you to provide some assistance to the Commissioner and the rest of us who are interested in these subjects. The first is the carding system. I know that that is something that you're particularly interested in and aware of.

Let me ask you this. First of all, I take it that when you competed, there was not direct government support in terms of a stipend paid such as exists at the present time?

10

A. Yes.

Q. And in any event, you are of course familiar with the present carding system that provides such support through the A-card, B-card, C-card and so on?

A. Yes, I am.

15

Q. All right. And could you just take a few moments, if you will, Mr. Kidd, and give us the benefit of what you consider to be its strengths and weaknesses, if you will?

20

A. Okay. I'm going to summarize some complex analysis here, but I'll give you some major points on both the plus and the minus side.

25

In terms of the pluses or the advantages, it does provide enriched opportunities for those athletes who qualify, and in a world where sport has become much more sophisticated and more highly competitive, more demanding



not only in terms of time but also in terms of other resources, professional assistance, physiotherapy and so on, it provides enriched opportunities for Canadian athletes. It enables athletes, particularly from families who do not otherwise have the resources to stay in the sport longer.

Secondly, I think it provides very important cultural opportunities in a country where the major sector of sport, if I may use a slightly polemical term, has been colonized by the American-centred entertainment industry. What it's done is provided opportunities for Canadian athletes to excel and to excel in a way that will excite and entertain and educate Canadians.

For example, we made a lot of fuss about the new sports facility at the base of the CN Tower that has been created by governments in this province and this city. I like to call it polemically the men's cultural centre downtown.

Those athletes, by and large, are athletes who are hired by corporations to entertain us and they're highly skilled and dedicated and I admire them, but they have no direct roots in our community, with few exceptions of the professional football players who will be playing for the Argonauts in the fall.

They are not people that we can identify



with as part of our community. They are not people that we can say come out of Canadian experiences, Canadian clubs and so on.

5                   The industry, the most powerful, most influential sectors of Canadian sport are dominated by that continentalist industry, and there are very few opportunities for Canadians and particularly Canadian athletes within that. The NHL is part of that analysis, although it's more complex.

10                  This program, the Athlete Assistance Program, gives an opportunity for dedicated and gifted Canadian athletes a better chance to excel, and because it's organized on a national basis, it gives those of us who admire athletes, who take an interest in sport, an opportunity to see our own people excelling in sport, and  
15                  I think for all kinds of cultural reasons, that's important.

20                  Thirdly, it provides opportunities to females in a much higher percentage than is possible in the continental commercial sport sector. That's one of the reasons why I call that facility the men's cultural centre downtown.

25                  In the highly publicized commercial sport, women have been symbolically annihilated. There are certainly very few women who have an opportunity there.



The Athlete Assistance Program is not perfect. It doesn't provide parity for women in this country. It's modelled on the Olympic program, by and large, and therefore it reproduces the same biases against women that the Olympic program does.

But 35% of the opportunities roughly go to women, and that's much higher than what ordinarily would be the case, and I think that's a big plus too because I think Canadian women have been very strong in the sport and I think it's really important for all kind of reasons, whether you look at it from the point of view of opportunity or whether you look at it from the point of view of culture and role models that we give those opportunities to females. And I think that has to be mentioned in its favour.

On the down side though, over the course of the 18 or 19 years since its creation in 1970-'71, I feel that it has become a -- there are a number of problems that have been created with it. Essentially because now athletes are expected to be full-time in this and they are contractually obligated to perform in specified ways for their sports federations and by Sport Canada.

I think we can regard it as a system of underpaid professional athletics for ideological goals. I mean, they are Canada's representatives abroad. They are



cultural performers who excite and delight us and give us great pride, but they do so under more alienating conditions and certainly for far less remuneration than other people in comparable circumstances.

5

The Ministers of Fitness and Amateur Sport talk about their importance as cultural ambassadors. None of them get paid what even the lowest paid federal foreign service officer gets paid. The top athletes don't get paid anywhere near what the top Canada Council athletes get paid.

10

It's very, very demanding and very, very difficult and, I would say ultimately, a very exploitative system. Athletes, to be sure, freely accept it. They want these opportunities. I think Canadian athletes are very ambitious and very competitive, but if you stand back, I think you would have to say that it's become highly alienating and a highly exploitative program and that is part of the problem I think.

15

I don't know, maybe I've come to the end of my breath for a second. You can ask -- if you want, I can answer a clarifying question.

20

THE COMMISSIONER: Let me just ask you this. As I understand the theory of it, perhaps I'm wrong, was that this would give young athletes, who otherwise couldn't afford it, an opportunity to pursue

25



their athletic interests and academic interests as well so they wouldn't have to get a part-time job. They could devote that time to their athletic pursuits, and there are scholarship opportunities attached too to the funding program.

5

THE WITNESS: It began as that sort of program. It began as a grants and aid scholarship program with no condition. In fact, it was designed as an avocational -- athletics were defined as an avocational aspect of athletes' lives in the very early manuals.

10

THE COMMISSIONER: I think Miss Hoffman earlier said, and I may be wrong, I think she thought it was only 32%. I think she said 32% is a large factor, and maybe it is, of carded athletes who actually take advantage of the educational opportunity. Is that about right?

15

THE WITNESS: And one of the reasons is because of the time requirements placed upon them. Some colleagues of mine and I did a survey recently, and our conclusion from that, whether you look at day-to-day training or whether you look at the compulsory intensive training of training camps or whether you look at the travel to training and competition, athletes can't be other than full-time athletes which means that it's almost impossible to attend university even on a part-time basis,

20

25



and very, very few are on a fulltime basis.

So it's moved from a program where the original intent was to assist athletes while they pursued education to a program whereby the primary focus is performance.

There is a performance-incentive aspect to the program. If you're not in the top so and so of the world, you do not get any support at all. And even though athletes are on a fulltime basis, the payments they get are far below minimum wage, far below the poverty measures by the national welfare bodies, far below what people in comparable positions, graduate students, Canada Council artists, foreign affairs officers get.

And I don't want to say that athletes who face terrible economic conditions are necessarily automatically led to cheat to get ahead, but it seems to me it adds significantly to the pressure and that has to be taken into consideration.

MR. ARMSTRONG:

Q. Let me just ask you this. Looking at the other side of the coin, however, if you take the A-card in track and field, and my recollection is that to be an A-card in track and field you have to be in the top eight in the world.



Now, does the system, in fairness, not take  
into account that the person who is eighth in the world as  
well as having \$650 a month from the government is also  
going to have his or her stipend added to, by, say, a  
5 contract with a shoe company or the payment of performance  
fees --

THE COMMISSIONER: Appearance fees.

MR. ARMSTRONG:

10 Q. -- appearance fees at a track meet  
which admittedly go into a trust fund, but which we know  
they get those fees and contract fees do get paid out by  
the CTFA to bring up their living expenses to --

15 THE COMMISSIONER: I think it's clear  
though, isn't it, that some of the top athletes in various  
sports specialties, assuming all the money they earned  
goes into the Athletic Reserve Fund, when they retire  
there is a substantial nest egg for them that it would be  
very hard to build up any other way.

20 THE WITNESS: I think that for those  
athletes, the concern is justified and there are some  
important questions of public policy about how you tax  
their revenues both as a sport community and as a public  
community, but I believe, and other athletes have here  
25 testified, that the number of athletes who are able to



draw a living wage from their earnings in the sport or after they retire from their trust funds is a very, very small percentage.

THE COMMISSIONER: I understand that. What your thesis is, in a sense at the moment, that once you become funded, you should be regarded as sort of a civil servant and be paid a fulltime salary as a civil servant. Is that what you are reaching out for?

THE WITNESS: Well, that's one way to go. It seems to me that there are two ways to go here. One is to continue the program of contractual obligation, which Sport Canada has established, wherein almost all of the aspects of the legal definition of employment, athletes are hired to represent Canada to the best of their abilities, and if you continue that way, then I think you should pay them accordingly and pay them at the same rate as Canada Council A artists or --

THE COMMISSIONER: That would be a true professional relationship then?

THE WITNESS: That's correct. The other way to go is to return to the days when it was a program that was regarded as simply an avocational support, and the intense contractual obligations were removed and perhaps a need factor was thrown in.

In the 1970s, athletes were supported on the



basis of demonstrated economic need, and I mean, one of the problems today is that the training costs of the man who is eighth in the world or the woman who is sixth in the world are no different than the training cost of that person if she or he slips to 12 or even to 25.

They certainly don't eat less, as you've heard. They certainly don't go to the physio any less frequently, and yet this performance incentive scheme makes a significant difference in benefits at eight.

I mean, being the top eight in the world is an incredibly high standard. How many NHL hockey players are in the top eight of their position let alone sport in the world? As you, sir, and I talked about it last week, how many Canadian lawyers are in the top eight of their event in the world, let alone in the top 100 which is the cut-off point for support.

THE COMMISSIONER: You mean present or past?

THE WITNESS: Any way they cut it. I mean, this is an extremely high standard and it's a very sharp drop off, and so just to stay alive there is enormous pressure upon athletes to improve their performance, and there are other issues related to this.



THE COMMISSIONER: Well, this is a matter of information. As you know, in the United States, there is no federal or state money that goes directly to a sport as there is in Canada.

5 In other words, we're not only talking about Canada's funding the carded athletes but we're principally all sports organizations, as you know, or a large percentage of them, of their revenue. And in the United States, there is no federal funding or state funding at all.

10 THE WITNESS: Yes, and I think there are some problems with that and some important differences. I think if one looks at the pluses of this program, I think many American athletes, particularly -- particularly women, would say that they would like to have a program of this kind to provide opportunities because ---

15 THE COMMISSIONER: Of our kind, you mean?

20 THE WITNESS: Of our kind, because opportunities in the United States are only available where there are corporate sponsors or other patrons to provide them.

25 THE COMMISSIONER: In other words, scholarships, the type of thing you were offered, too.

THE WITNESS: Second point: You'll find that the argument that I'm making here about the needs to



5

pay athletes who have been in practice professionalized, a full living wage for their professional athletic activity, is increasingly being made at the level of National Collegiate Athletic Association - Division one, University of Sports.

THE COMMISSIONER: I doubt that no matter how generous scholarships are in American universities, that the athlete in training at school is paid the same as a senior civil servant?

10

THE WITNESS: They're not but ---

THE COMMISSIONER: That's actually what the thesis is I think you're presenting?

15

THE WITNESS: That is correct. But if you look at the demands that athletes and their supporters are making in the United States, and I'd be happy to share this literature and information with you, more and more athletes spokespersons and their supporters are making similar demands.

20

For example, there is a bill before the legislature of Nebraska where there is a high powered football and basketball program at either the state or the major Nebraska university to make scholarship athletes, in the Division One sports, civil servants and pay them on the same basis and give them the same employment protection that other workers do. Opportunity for

25



Workers' Compensation and opportunities for injury  
disability.

THE COMMISSIONER: I think that's what we  
hear the Eastern Bloc countries are -- treat their  
5 athletes that way, as we've heard. That is, that they're  
like civil servants.

THE WITNESS: Well, I think either you have  
to -- and this is very difficult -- reduce the  
expectations upon athletes so they have -- they have more  
10 opportunities to pursue their education and really combine  
athletics with other pursuits.

Or if you continue the system of high  
performance, full-time professional athletics, remunerate  
them accordingly and that's the issue.

15 The only answer you'll get from the Abby  
Hoffmans and the athletic directors who understand the  
argument very well is they don't have enough money to do  
that. But, I don't think that they -- I mean, in terms of  
our legal argument that -- the argument that was first  
20 developed by Mary Ebberts and I in 'Athletes Rights in  
canada,' and if you look at the material conditions of  
athletic labour in Canada, you would have to recognize  
that our athletes are de facto employees of the  
federations and Sport Canada.

25 The only counter to that as a result of ---



THE COMMISSIONER: The federations actually. All the athletes sign their contracts with the federations, as you know, not with Sport Canada.

THE WITNESS: But -- and you're ---

5

THE COMMISSIONER: As I understand.

THE WITNESS: You're much, much more familiar with the legal argument that I am. Sport Canada has created that contract.

10

THE COMMISSIONER: Well, they fund the sports organizations like track and field. And then contract entered into, although partly by Sport Canada, is with the athlete and the sports association?

15

THE WITNESS: That is correct. The question is whether or not that is a contract of employment. And the only factor that does not apply at the moment is a widespread understanding that the payments are remuneration and the reason why they cannot be really recognized as remuneration at this stage is that Sport Canada has intervened with the Ministry of National Revenue to have no charge on the income tax for that.

20

But otherwise, I think everyone would accept that that is remuneration and it's an inadequate remuneration.

25

THE COMMISSIONER: Well, I'm sorry I interrupted you. Go ahead, Mr. Armstrong.



MR. ARMSTRONG:

Q. No, no. You mentioned something called Canada Council A artists and that -- who are they and what is the stipend that -- that Canada Council A artists receive?

5

A. Last year -- Canada Council A artists are writers, dancers, theatre directors, photographers, there is a broad range of artistic disciplines eligible who get what are called Canada Council A grants.

10

It is a competitive system; they're expected to be at the top of the list. I don't have a -- I don't have the last report here to read you some of the names but I'm sure you'd recognize many of the names and in 1988 they received \$32,000 a year as their stipend.

15

Q. I see.

THE COMMISSIONER: Your analogy as to the athlete and the artist, is that what you're saying?

20

THE WITNESS: Yes. In the course of this analysis, those of us who have studied have tried to find comparable categories of activity to which athletes and their activity can be compared and ---

25

THE COMMISSIONER: What happens to the athlete who's only got a limited period of "employment", by your definition, as an athlete and he's got no other training?



THE WITNESS: Well, I would certainly encourage -- I mean this raises another question.

THE COMMISSIONER: Because what worries me, I've seen some of these young athletes who have been training -- do nothing else, say, for six years, their career is over and they've got no occupational talents particularly.

THE WITNESS: A very serious concern. The requirements are so heavy that many athletes --

THE COMMISSIONER: But the artists you're talking about can go on to become a professional singer, dancer, ballet dancer, musician.

THE WITNESS: Well, some of them have long careers and some of them have short careers and it's not an exact parallel.

In the case of the education issue that you've just raised, one of our concerns is that the program does not maximize the opportunities that athletes will get the education they need to pursue subsequent careers.

At the moment, while they're competing, they can get an educational stipend to cover their tuition at the university but often the demands upon them are so great that they can't study on a full-time basis or even at all.



5                   THE COMMISSIONER: And their travel and the discipline which is attached to the work and the comraderie which is part of the athletics career, all stand in good stead in subsequent life, I would have thought.

10                  THE WITNESS: That is correct. So athletes groups have been arguing that that educational stipend that comes on an annual basis with carding ought to be worked in such as a way as it can be saved up so that after you graduate you could have accumulated educational credits. At the moment, athletes ---

15                  MR. ARMSTRONG:

20                  Q. When you say after graduating, you mean after your athletic career?

25                  A. After they're retired. At the moment, there is a discretionary provision for one year of study.

THE COMMISSIONER: I think Ken Reed told us that he took advantage of some scholarship fund available through his -- Sport Canada to go to the University of Alberta after his skiing was over, as I recall.

THE WITNESS: I don't know the details of Ken's career. But I think more effort could be made to get -- to equip athletes for post-athletic careers.

25                  THE COMMISSIONER: Right. But not as a



condition of the funding? You wouldn't put it that way?

THE WITNESS: Well, right now athletes are eligible for full tuition while they are carded. Many of them can't take advantage of that during their athletic careers. Why not allow them to accumulate educational credits and be able to use them after they've retired from the sport.

5 THE COMMISSIONER: All right, go ahead, Mr. Armstrong.

10

MR. ARMSTRONG:

Q. All right. Well, we'll -- let me just ask you this; in order to be carded, in at least I think in track and field, to be even a C card, you've got to be 15 in the top 100 in the world. Would you ---

THE COMMISSIONER: Top what?

20 MR. ARMSTRONG:

Q. Top 100, I think, the C card and I think B is the top 16 and A is the top 8?

A. Yes.

25 Q. And you've pointed out the obvious but sometimes the obvious kind of hits home with a jolt. How many people can say they're in the top 100 in the world in whatever their vocation or avocation may be.



Now, it seems to me that -- that one of the criticisms might be, constructive criticisms, might be that maybe this carding program places too much emphasis on -- on winning or achieving a level of excellence that few of us can obtain and -- is that something that is a subject of debate among academics and people like you who are concerned about -- about the issue?

A. Yes, it is. I should say that I've reached the conclusion that we should change the way that we remunerate our athletes, as you've heard, and to reduce, if not abolish, the performance incentive side aspect of it.

Athletes will give you one criticism of the way carding is structured, I will give you another.

The athletes say at the moment, the world list against which they're measured is possibly a dirty list. That there are possibly performances on that list which have been turned in at meets where there is no testing or there has been a circumvention of the testing in the way that athletes have described here.

And, therefore, it's not fair to them to be measured against a list that possibly involves the use of performance enhancing drugs.

And for a number of years, athlete's groups such as the Athletes Advisory Council of the Canadian



Olympic Association had been asking for the creation of a clean list against which they can be measured and they're quite willing to take measurement on that basis, so that only world performances turned in where there has been testing done by an accredited IOC lab would be used.

5 THE COMMISSIONER: Well, Mr. Kidd, in my experience to date, that's not very full-proof either because we've heard of people who have been taking steroids for years and they've always tested negative.

10 There is evidence that they're actually taking steroids.

So, the post-competition testing of a negative finding doesn't prove that that person had not benefited by the use of steroids to achieve that very mark you're talking about.

15 THE WITNESS: I accept that criticism and I think most athletes would accept that too. For years, well before you so thoroughly documented the loopholes in that testing, they had been demanding -- they had been demanding ranking on a clean list.

20 THE COMMISSIONER: If I just put this to you, let's assume that you're running today and let's assume you're Canada's best two miler and you want to pursue the two mile event, as Canada's best. And also pursue education and you need help, yet you don't come 25 within, say, the top 8 or the top.



Is there any merit in saying, well, that's the type of person that should perhaps be funded even though he's not going to win a medal at the Olympics?

5 THE WITNESS: That's my position, sir. My position is that we should abolish the whole performance incentive aspect and simply provide opportunities to the best athletes in ---

10 THE COMMISSIONER: Well, we have to have some standards for that, too. Do we just stop at Canadian standards?

THE WITNESS: I would do that.

THE COMMISSIONER: Not every aspirant would necessarily be entitled to funding? There is a limit to how much ---

15 THE WITNESS: Obviously, there are budgetary considerations to be made. Some of us have argued that we should only select those sports that are culturally important to Canada and everybody has a list. Those things that have been part of our history, part of 20 our culture. Take advantage of the geography we have. So perhaps emphasize the winter and the water sports because we're a winter and water country.

It would take a while to develop a list but I think that the goal should be to provide opportunities 25 for the best Canadians because this is a culturally



important practice regardless of how they do on the world list.

I mean, Milt Ottey still inspires me whether he's in the top 8, as he was in the early '80's, or he's now in the top 100. It's still quite incredible to see a guy jump so far over his head and do so with toughness, with courage, under a lot of pressure. I mean, that's still very inspiring. And what does it matter what he does on the world list?

When I go out to the track to see Milt train or compete, that gives me a thrill. This is an important cultural practice. Let's provide opportunities to the best of our social resources, regardless of what people are doing in other countries of the world.

And all of the stuff that you've found or you've documented for our attention in the last four months, it seems to me, strengthens that argument.

MR. ARMSTRONG: That might be just a good spot to take a break.

THE COMMISSIONER: All right. Give you a break, too, Mr. Kidd.

THE WITNESS: Thank you.

--- Morning adjournment.



MR. ARMSTRONG: All right, then -- sorry.

THE COMMISSIONER: Go ahead.

MR. ARMSTRONG:

5 Q. Thank you, Mr. Commissioner. As -- I'm going to move on from the carding system to ask you a few questions about the task force and, in particular, the report of the task force on national sport policy which we have already had placed in evidence and described in a general way for us by Mr. Makosky when he was a witness  
10 here -- that's Exhibit 15 in our proceedings.

You were a member of the -- of the task force and could you just give us a little bit of background as to what the procedure was in coming to the conclusions that you came to and give us your perspective  
15 on what, in fact, the report is saying?

A. Well, the task force was established in the winter of 1987, I believe, to examine the national sport structure and it's operations and make appropriate recommendations. We met probably a dozen times over the course of the subsequent year. It was a large group; they were wide ranging conversations; we covered a number of issues which you've seen. We agreed that we would shoot for a consensus and I think their report attempts to express that consensus and we hammered out a number of  
20  
25



recommendations.

I think it should be said that the group involved, while it represented a number of difference constituencies within the national and central sports group, Sport Canada, the national sports organizations, the COA, coaches, the universities and so on, in fairness, we were also an unrepresentative group.

Almost all of us had been involved in the development of policies for high performance sport for a number of years. Almost all of us came from the centre in geographical terms. For example, there was no one east of the Ottawa River and there were only two, I believe, western representatives and sports people at the grass roots, even at the provincial level were not involved in it. And so, I think in retrospect, that was probably a weakness.

At the same time, the task force was always conscious that this would be a recommendation to a particular government, with particular overview of sport, and we weren't offering our advice free of that consideration but we were trying to -- we were trying to put -- our starting point was that there was a government, it might well be re-elected, it had said certain things. There were senior civil servants on the committee and it was -- it was that sort of task force.



Among administrative theorists, there was a question about whether or not in a re-examination of that kind you go completely outside and you create a Royal Commission structure or you work with -- you work within some of the structures that are going to be involved in the implementation. Trading perhaps a complete change and a completely fresh view for the possibility of subsequent implementation.

The task force went that latter route and I think that has to be taken into consideration.

That being said, I think my colleagues and I worked very hard. We had many disagreements. We tried to resolve them in a fair way and you've got the final version, the last gloss of that report.

I would summarize it by saying that along with the usual wish list of everything everybody wanted, there was, first of all, a number of recommendations directed towards the more effective pursuit of international success in sport. And although that was worded, in some places cautiously, in some places in terms of -- more of opportunities than medals, I think the emphasis is still on medals as the goal of the national program.

THE COMMISSIONER: Isn't that rather inconsistant with your thesis? As I read it, I think you



recommended that the amount of money expended which is about -- approximately \$60 million a year, being doubled to \$120'. I haven't read it for some time; is that about right?

5

THE WITNESS: Yes, that was our second major area of recommendations. We spent ---

10

THE COMMISSIONER: Also, as I recall, the aim was that, in the Summer Olympics, that Canada be sort of -- the fourth of the western world but in the Commonwealth, first; in Winter Olympics, first. So that, as I read the report, the -- that the basis of the higher -- the higher expenditure would be still directed towards medals?

THE WITNESS: By and large.

15

THE COMMISSIONER: I haven't read it for some time but -- maybe I read too much into it, but as I read it I got that impression.

20

THE WITNESS: Well, I'm hesitating here because I worked in a collegial fashion with other people. We had ---

THE COMMISSIONER: Oh, no, you have to stand by the report. We're talking about the report now.

25

THE WITNESS: This was what -- what we agreed to. I think from what I've said, you can see, you know, my role in this.



I think to the extent that we're pushing high performance, we should define them in terms of the opportunities for Canadians to pursue them and the quality of those opportunities rather than the medals. And some of that is expressed in the report.

5

So, that was the first goal and those differences, I think, were nicely expressed or papered over, someone might say, reflecting the diversity opinion on the committee.

10

A second goal was to recruit all bodies in the country to this task, to increase the number of groups that were contributing to this task and, thirdly, to create a realistic financial plan given the parameters of the government of the day to pursue those goals.

15

THE COMMISSIONER: Right.

THE WITNESS: And while there is a long list of recommendations in addition to that, my recollection would be those are the three main goals of the report.

THE COMMISSIONER: Thank you.

20

MR. ARMSTRONG:

25

Q. All right. Now, finally, let me move on to the particular subject that occupies our attention here and will unquestionably be occupying the attention of the Commissioner in the weeks ahead as he considers what



some of the solutions may be to the problems that we appear to have unearthed. And that is, the question of doping.

You've been associated with the sport generally in track and field in particular for a long time. You're clearly, through your connections and your academic experience, familiar with the issues, familiar with what appears to be the scope of the problem and let's, for a moment, invite you to offer the benefit of your views as to how some of these problems that we are facing ought to be addressed without providing you any assurance that the Commissioner is necessarily going to include them as a chapter in his report, but he'd be the first one to say that he would like to get all the help he can in directing his mind to this task.

THE COMMISSIONER: That's an understatement.

MR. ARMSTRONG:

Q. What -- what can you offer us. That's as broad a question as any question any lawyer will ever ask but can I put it that way?

A. Well, I'll try to be brief about this but it is.....

THE COMMISSIONER: Well, take your time, Mr. kid.



THE WITNESS: It used to be that if I was on my feet for more than four minutes someone would go running by me. But, now I'm an old tired marathon runner, I'm used to making longer sentences.

5

10

First of all, I think you've got to recognize it as a major problem. There has some debate about the incidence of drug taking, how many athletes are using it, how many sports are involved, whether or not it is a situation limited to a couple of sports or a couple of clubs or it's an endemic and a major problem. I believe it is. I believe the evidence so far clarifies that in spades.

15

I understand that you are still pursuing this and there will be police and other evidence submitted here but I think that we can provisionally conclude that it is a major problem. It's a problem in terms of the practices and it's a problems in terms of the moral crisis of sport.

20

Wherever I go, athletes, even those who vehemently attest to their clean practices, wanting to be tested to demonstrate that, see it as a problem.

25

I was in the Athlete's Village in a meeting of current and former Olympic athletes on the day that Ben was disqualified, September the 26th, in Seoul. And athlete after athlete after athlete from every country,



from a range of sports and from every generation, not only back to my generation but even earlier than that, Herb McKinnley, the great Jamaican 400 runner, was there.

5 And everyone said, yes, it's a serious problem, there has to be action against that. Major steps have got to be taken; business as usual is not enough.

So, I think you've got to begin with a recognition that it's a crisis and that's the conclusion I've come to.

10 I think there are steps that -- I think there are steps that can be taken in Canada and there are steps that have to be taken internationally.

15 In Canada, I think the development of short notice testing that the Canadian Olympic Association, at its quadrennial meeting in Montreal in April had approved and is putting in place for the Olympic sports, has got to be -- has got to be put into place as soon as possible.

20 Some of the media indicated that the woman who was caught last month is the first victim of short notice testing. I think many of us regard that as the first success story for short notice testing.

25 I think athletes in this country and around the world would like to know that there is an effective deterrent against drug taking and even though there are problems, as you've no doubt heard, and questions about



whether or not Dr. Frankensteins -- Dr. Frankensteins are one year or two years ahead of the testers, people would be a lot more confident if they felt there was an effective system of short notice testing in place.

5

Secondly, in Canada, I think we've got to abolish the system of performance incentive assistance for athletes as we discussed before the break.

10

15

20

25



5

A. I think we have to support this practice on general principles, full stop, period, as an important aspect of cultural life regardless of whether or not our athletes are in the top 8 or top 16 or the top 100. And I think that they should have the assurance.

10

My feeling, and it goes right back to the 1976 Olympics, is that athletes in this country feel that they were not only competing for themselves and for their families and for their coaches and their clubs, but for the very future of their sport. And they fear that if they don't win or score high enough on the international list, their sports will be cut back. And that's a terrible pressure to bear.

15

It does not mean that that will necessarily lead them to cheat. Many athletes have withstood that pressure as you have heard here, but it is an unfair pressure. And for a proud and rich country like Canada, we don't have to put that pressure on our athletes.

20

I think we have got to do some other things that economists would call soft. I think we have to boost Canadian sport as a cultural practice in other ways. We have to make better efforts to show our own athletes off in this country at teams other than at international competitions. I mean the Canada Council Touring office sends artists around this country to perform for their

25



fellow citizens in ways that make they will feel good about it. And I think that we should do that with athletes, and not just simply limit those occasions to the time when they are competing in international competition.

5 To boost the idea that this is important cultural practice in it's own right.

I think we have to deal with some of the educational issues that you, sir, have raised repeatedly and in which we briefly talked about in my presentation  
10 earlier on.

Internationally -- and there very well may be other steps, but I am giving you the top of my list here.

15 Internationally, I think the first thing is to -- is to strengthen the efforts of the Canadian government and the Canadian Olympic Association and the IOC are making to have an effective system of short-notice random testing established right around the world.

20 As you know, as you have heard from Lyle Makosky, efforts are being made to that end. I understand that the Council of Sports Ministers of Europe in Iceland at their recent meeting agreed to a version of that. I am not up to date on the proposed U.S.S.R.-GDR-United States short-notice testing scheme.

25 THE COMMISSIONER: It is only U.S.S.R. and



United States, not GDR, I don't think. Are they involved--

THE WITNESS: Well, I understand that they have proposed that they be included in it.

5

THE COMMISSIONER: Good, I haven't seen that, thank you, we will check on that.

MR. ARMSTRONG:

Q. Yes.

10

A. I think those efforts are very, very important. Again, the athletes internationally in all of their official statements to the extent like people like Ken Read from Canada --

THE COMMISSIONER: Sebastian Coe.

15

THE WITNESS: -- Sebastian Coe and so on speak out on this issue have asked for a very strong international deterrent. Despite all of risks and despite all of costs, I think that's important.

20

But that will not be enough. Arming the police, as you know, is simply not a way of dealing with it. And this is recreating the idea of sport as an important international cultural practice where people are valued regardless of their position for outstanding performances. And there is an element of that in the international community.

25



I don't believe that we should dismiss the Olympic Games and the international sports community as being so cynical and so narrowly motivated that we can't recapture that spirit.

5

I think we will have to develop ways of de-emphasizing the winner and strengthening opportunities for everybody.

10

I think we have to, you know, recapture the importance of the educational and intercultural exchange, and all of these will take time and thought. And they are much harder to develop than drug testing, but that's the direction that we have to pursue.

15

And there are some bodies, I am part of the International Network of Olympic Academies that are working to the best of our ability to pursue that.

20

I think we have to recreate the moral basis of sport. You know it is almost as if the exchange value of sport today is the only value. As we heard other people say, you know, if you win you are a hero and you make millions, if you lose you are a bumb.

My reading of Canadian public opinion is that that's not the case.

25

I was in the Calgary Saddledome when Brian Orser got second. People there did not say that -- I walked out, the crowd was silent, people were sorry as if



one of their heroes had been disappointed. I am feeling quite emotional about this because we talked about it in the corridor. But nobody said he was a loser, nobody said he let us down. People said how proud they were of him.

5 People were crying like this because he just -- he had been disappointed. People said this guy gave us -- I mean people -- it was very silent streaming out of the Saddledome. People say this guy gave us four years of just excitement and beauty.

10 Then when you read that and I mean I won't name names, you know, that people labeled him a loser. I mean -- so angry, that is so insulting. That's not felt by Canadian sports people, but on countless openline radio shows and so on and people you know, they love --

15 THE COMMISSIONER: The portrayal as reported though was that he was a loser, that he lost, not that he was a great performance or a great credit to Canada or that he is one of great performers in the world.

20 THE WITNESS: Well, let me -- you know, and I don't want to get up on my soap box here, but I think there is a very wide gulf between the public portrayal by some elements in the mass media, and the feeling in Canada citizens generally about their Sport Canada athletes. And I think there is far more affection for the so-called losers or also-runs. And I think that if we went with a



policy that said these are valued athletes, despite their performances, there would be lots of public support for that. I think the polls that have been published so far attest to that.

5 So, I am confident about this. I am confident that we can recapture that. I don't think we have it give up the fight, but it's going to take a struggle, as you know.

10

MR. ARMSTRONG:

15

Q. Just to follow up that thought, Professor Kidd, when you and I met over the weekend, you enlightened me somewhat that one of the sporting nations in the Eastern Bloc, for example, who seems each Olympics to take a big chunk of the medals, also, apparently, recognizes the contribution that its non-medal winners make to the sport, to the country, and the culture of the country. We might disagree with the politics and culture of that particular country, depending on our own views, but they seem to recognize, as you indicated to me, that kind of thought that you have just expressed. And you might just take a moment to explain what it is that that particular country does in that regard?

20

25

A. The country is the German Democratic Republic, and at least beginning in Montreal, it began the



practice of having a banquet in the Olympic city for Olympic team members who have not won a medal.

And so in Montreal they had a banquet for all of those athletes who were unsuccessful in the medal category at which the Sports Minister, Manfred Ewold, stood up and said we are very proud of you, you have brought us a great pleasure, great satisfaction. We realize that your performances may not have been as successful as you might have hoped, but we are still proud of you.

And I was there in Seoul, and although I didn't go to the banquet, again I asked whether or not that had occurred and that was the practice there. And they had the same function in Calgary as well.

I mean Greg Laganis said in Seoul "When I go up on the board, my last cue to myself is no matter what happens is my mother loves me."

Well, I would like to think that Canada was a country said that to our top athletes, no matter what happens to you in this competition, you have been in this for years, we will still admire you and still love you.

And there are clubs that provide that. There are coaches that provide that. There are parents that provide that. There is a lot to be proud of in this country, but the national feeling is one that if you don't



win, don't come home. And we have got to erradicate that.

MR. ARMSTRONG: Thank you very much, those are all the questions I have. Others may have some questions.

5

THE COMMISSIONER: Any questions? Mr. Bourque, any questions?

MR. BOURQUE: I should know better, Mr. Commissioner, but I am going to ask some questions.

10

THE COMMISSIONER: You may have a better day today.

MR. BOURQUE: I could hardly have a worse one.

---- EXAMINATION BY MR. BOURQUE:

15

Q. Mr. Kidd, my name is Roger Bourque, I represent the Canadian Track and Field Association. And I just want to ask you very briefly with respect to the issue of testing for banned substances, you are on record as being concerned about the athletes' rights when the subject of testing arises.

20

And more particularly I want to refer you to a couple of passages in the book which you co-authored with Mary Eberts in 1982 entitled Athletes' Rights in Canada, and ask you if seven years later, especially in the climate time prevails today which you have described

25



as a crisis, would you still hold to those views.

I am going to read to you a brief passage  
first of all at page 95:

"Under the rules of the International Amateur  
5 Athletics Federation, for example, athletes  
can be summarily suspended for life if  
traces of certain prohibited substances are  
found in their urine. Athletes can appeal  
the term of the suspension but there is no  
procedure available to them to challenge the  
10 manner in which the test was conducted. In  
addition, athletes face suspension even if  
there is no proven relationship between the  
amount of the prohibited substance found in  
their system and enhanced athletic  
15 performance. In each case, the national  
federation must administer the sentence,  
even if it believes the suspension is  
unfair.

We are not opposed to the administration of  
20 drug tests or any other regulation aimed at  
ensuring roughly equal conditions in  
competition. But it should be consistent  
with substantive and procedural justice. It  
25 is essential that the rules of the



international federations being examined from the perspective of athletes' rights."

That is the end of passage. Do you take exception with any part of the view expressed there at 5 this time?

A. No. I mean in its application to circumstances that you have been investigating, there are still some, you know, judgements of what to do, but basically -- but, yes, I still subscribe to those views.

10 Q. And just one more even briefer passage at page 14, and I quote again:

"It is our concern that in both areas of decision-making, the interests of the association as a whole are balanced with a respect for the rights of individuals. This study has two premises. First, the rights of athletes as citizens and landed immigrants cannot be diminished because they are members of sports teams. Canadian sports programs must be consistent with the standards of fairness established by Canadian law. 'Excellence' at the cost of basic civil rights is simply not excellence."

20 25 And I end quote. Do you still hold that



view today?

A. Yes, I do.

Q. Do you believe that that is a tenant  
that must still be observed by the Canadian Track and  
5 Field Association, for example, in its attempts to detect  
banned substance use?

A. Yes, I do.

MR. BOURQUE: I wonder, Mr. Commissioner,  
if there is any benefit to making this an Exhibit?

10 THE COMMISSIONER: No, we have the book.

MR. BOURQUE: Is it in evidence, though,  
sir?

THE COMMISSIONER: No, it's not filed. We  
don't need text books in evidence.

15 MR. BOURQUE: Very good. I have read the  
two passages I am concerned about into the record.

THE COMMISSIONER: We have the book and we  
have a limited library area here, Mr. Bourque, and we  
can't make them all exhibits.

20 MR. BOURQUE: Thank you, sir.

THE COMMISSIONER: Thank you, Mr. Bourque.  
Mr. Pratt?

THE WITNESS: Is that it?

THE COMMISSIONER: No. Mr. Pratt.



---- EXAMINATION BY MR. PRATT:

Q. Just two very brief areas, sir. My name is Alan Pratt, I am representing Charlie Francis.

The first one, these are just to clarify two 5 of the points that you have already referred to.

The first one that relates to the numbers, 10 the ability of high performance elite athletes to make substantial income under the present system. I just want to refer you, sir, to the comment which you may have heard from Mr. Ottey the other day that in his perception in the early 1980s, that an athlete in the top 10 in the world could make a substantial living from his sport, in any event, and that his impression now is that one needs to be in the top five to do the same.

15 Would you have any opinion about that observation?

A. My understanding is the same, although my source is athletes like Milt and the Williams and so on. So, that's their impression and therefore that is mine. I am not negotiating with meet promoters any more, and didn't do very much of it earlier on. 20

Q. My information, sir, and this may not be something you can comment on that in the Mazda group for instance at one time there were 11 of those athletes 25 who were making endorsement income from shoe contracts and



other sources and that by, 1988 prior to the Olympics, there were only three. And I was just wondering if you would be surprised that?

A. That doesn't surprise me. When I sat  
5 on the National Task Force we referred to earlier on, and we were discussing this very question. And Abbey Hoffman, Wilf Wedman, and several others of us tried to estimate how many athletes were earning a good living. We didn't define it, but for me it was 35-\$40,000.00 a year to  
10 through their sport. And our estimates ranged from 20 to 30, if I recall correctly, and that's out of 800-900 carded athletes.

So, my guess although I am not closely involved with a lot of the sports is that the number is  
15 very, very small, and for the reasons that Milt and others have said may in fact be diminishes because of the changes in the international economy related to sports performance,

Q. Would it also be accompanied, I think  
20 we heard some evidence, by a growing gap between the gains to be made by the very top versus those to be made by the ones who are not at the very top level?

A. This is true as well.

Q. So that presumably the pressures then  
25 would increase to reach the extremely high level of



performances as compared with an excellent performance but that would not be in say in the medalist category?

A. Yes.

5 Q. Just finally, sir, to return you to a nostolgic part of your evidence for a moment, you told us about you and Mr. Crothers and your coach Mr. Foot, I think, using the your relative fame in the track and field world as a vehicle to encourage track meet promotors to invite athletes who were less well-known than yourselves.

10 And I think you said, as I believe that you thought that was a justifiable conduct. I wonder if you could elaborate a little bit upon that.

THE COMMISSIONER: Well --

15 MR. PRATT: Well, perhaps I can be even more specific --

THE COMMISSIONER: Stretching the rules a bit, isn't that whta you thought, perhaps?

THE WITNESS: It wasn't against the rules.

THE COMMISSIONER: No.

20 THE WITNESS: But it was regarded as somewhat audacious of Fred to do that because we were in fact capitalizing on our athletic fame to provide opportunities for other athletes.

Secondly, there was an equity within Ontario. Leaders of others clubs said we have very few



resources in this community, and since this club has made it rich right now because they have two stars, perhaps they should not be the only ones to benefit from that. Perhaps, if the Milrose games or some other group is going 5 to invite more than these two headliners to the meet, there should be an Ontario team, rather than the East York track club.

You can imagine when resources were as scarce as I have described how that would be a concern. 10 In the end, we went ahead with the practice. In the end a few other athletes and Bill and I weren't certainly the only top athletes in that period, made it to the point where they can be invited regularly. And some of that pressure died down. But it was -- it was a subject of 15 some concern for some people.

MR. PRATT:

Q. Did you as an athlete personally, sir, feel that good about providing -- being the cause, I 20 guess, of these opportunities for the other athletes or did you have a difficulty with that personally?

A. Oh, I had no difficulty with that at all. And I mean as you heard from the Mazda athletes, there is a commradry. There is an association. There 25 is -- I mean this is -- you go with what brought you, as one



of my coaches used to say. These are people who are part of your training and your preparation. And in some ways it made a lot of sense that the whole club was able to get these opportunities instead of just a couple.

5

Q. So, I take it you would agree that would remain a legitimate approach for a coach or a club in the 1980's as in the 1960's?

A. Oh, for sure. Oh, for sure.

MR. PRATT: Thank you, sir.

10

THE COMMISSIONER: Any other questions?

Mr. DePencier.

--- EXAMINATION BY MR. DePENCIER:

15 Q. Professor Kidd, my name is Joseph DePencier, and I represent the Federal Government and in particular Sport Canada.

20 Your evidence was that in your own competitive years, you were involved personally in fundraising activities and that was an important part of being able to fund your athletic competition. That's correct?

A. Yes.

25 Q. And I want to take you forward a few years to your participation in the Sport Task Force, Exhibit number 15. And I believe that that report



contains some comment on the importance of private fundraising and funds from non-governmental sources as a way of supporting athletics, does it not?

5                   A. That's correct. And one of our concerns was that sports become more effective in generating private funds not only from sponsors, corporations and so on, but also from their members. We felt that there should be more selfsufficiency in some of the -- in some of the sports federations.

10                  At the same time we recognized that the -- given everything about this country, the major source of funds would have to be the public. These were public opportunities, and they should be publicly funded.

15                  Q. Can you describe any particular recommendations in that report with respect to the split of government and non-government funds.

THE COMMISSIONER: Well, do you have it there? We have the report. So, are you referring to the report?

20

MR. DEPENCIER: Yes, sir.

THE COMMISSIONER: Do you want to refer the witness --

25                  THE WITNESS: This is where you get into the behind-the-scenes wrestling. And one of dilemmas of a committee of this kind, the government, as you know, has



stated that its policy is to move towards a 50-50 split.  
Well, how -- of state funds and private funds.

Well, first of all, can you -- a number of  
us felt that that was both unrealistic and undesirable  
5 and the question is how do you play with that stated  
government policy and yet -- to get the most money in a  
recommendation, and at the same time retain the confidence  
of the government that's going to have to be implementing  
the report. And some of the verbal gymnastics that you  
10 will find in the pages of this report was necessitated by  
the dilemma of squaring those two quite different  
conditions.

MR. DePENCIER:

15 Q. So, while you might take -- you  
yourself might take issue with any particular percentage,  
nonetheless you see a role for that non-governmental  
funding?

A. Oh, yes, sure. I mean, yes, the  
20 question is when I say yes, I am waiting for supplementary  
"how much"? But at the level of -- in principle, you have  
my agreement.

MR. DePENCIER: Thank you, Mr.  
Commissioner.

25 THE COMMISSIONER: Thank you.



MR. DePENCIER: Thank you, sir.

THE COMMISSIONER: I will ask the supplement - how much?

5 THE WITNESS: Well, John L. Lewis was always asked to spell out his demands more carefully. So, he replied M-O-R-E, more.

10 As an advocate, I think that a county like ours can provide better opportunities, more money for coaches, facilities, and so on. At the same time, I do agree that the sports community can't be -- I mean it can't be cap-in-hand all the time. It's got to generate some resources from itself.

THE COMMISSIONER: Mr. Armstrong.

15 --- EXAMINATION BY MR. ARMSTRONG:

Q. I overlooked one question that I intended to ask Professor Kidd, and that was I wanted to take you back after your summary of what an approach might be to some of the solutions that face us in dealing with 20 these problems to testing at the international level. You indicated that Canada should move quickly and to short-notice testing as some sports have already done.

You have indicated that we should support the initiatives that appear to be taken internationally, and, indeed, as Canada has been doing and has been playing 25



a leadership role, but -- and I understand all of that.

Let me take you to just sort of the practical implementation of it. There has been some criticism of some sports, without getting into naming particular sports, maybe some sports aren't as dedicated to the whole idea of erradicating drugs and testing, as perhaps they should be. There's been some suggestion that perhaps some countries, without again naming names, may not be as devoted as we believe Canada is to erradicating the problem and implementing testing.

Just assuming for the moment that those are two problems, one is that there may be an international federation that is not dedicated to the degree it should be to erradicate the problem. Also assume that one or more countries may not be as dedicated to it as we think we are.

How do you implement a meaningful short-notice testing program on an international basis that would be effective if you have got to deal with those particular problems?

A. Well, it is -- I mean the riddle is how do you get the IF's, the international federations, in the questionable sports to implement the sort of international protocol that you would like.

Q. Yes.



A. A very difficult question. I think  
that the government initiative that has been going on for  
several years has to be pursued and that's important. I  
think we can now count upon the support of the IOC. And I  
5 am convinced that although it may have been -- I am  
convinced that the COA is -- well, the National Olympic  
Committee and the IOC are moving in that -- I think  
athletes have to take some responsibility for this as  
well. And I have long been an advocate of athletes  
10 assuming more responsibility for the governments of their  
sport. Some athletes at the international level are  
starting to take responsibility.

And it may well be that you have to create a  
group of people in a federation which is demanding using  
15 tried and true lobby, persuasion, political tactics to  
demand them --

THE COMMISSIONER: Well, since the  
appointment --

THE WITNESS: -- I mean I am thinking -- I  
20 am sorry, sir.

THE COMMISSIONER: No, go ahead.

THE WITNESS: I am thinking out loud here.  
It may well be though that an international athletes' body  
in track and field with people like Ann Peel who would  
25 represent Canada, she is the Canadian -- the Track and



Field representation on the COA's Athletes Committee, you know, put together a policy. I think you would get the American leaders to agree with it, you would certainly get the British and Western European and probably the East Europeans athletes to agree, and just say we are not going to go to a meet or to a country that is continuing to circumvent the testing.

Now, it is unheard of, it is -- athletes have not been directly involved in lobbying of that kind up to now, but I think the time has come to consider doing that.

I think it is really important that the Commissioner make really good recommendations to people but certainly there are sports people have to take responsibilities for this, too.

And I am hoping that in the weeks and months ahead, decisions like the one taken at the COA, which had the full support of the Athletes' Advisory Council, will be taken by more and more sports group because it's our responsibility, too.

I am not sure -- is that the sort of --

Q. Yes, I wanted to even carry it just a little further and ask you this: What about, and I think your answer was going in that direction, what about taking the responsibility for the implementation of short-notice



testing out of the hands completely of the international sports federations --

A. I see, sure.

Q. -- and out of the hands of any particular country, and in a perfect world in effect creating what might be an analogous, because I can't think of anything else, to sort of the international peace keeping operation. That is that you have an international independent body, independent of the international federations, independent of the countries to implement short-notice testing?

A. Yes, I agree. I think that has to be the end product. And what I was describing a moment ago may have to be part of the process of getting that. But, yes, it has to be impartial. I mean I think all of the legal parallels are at work here.

You can't have the IAAF, after all we have heard here, no matter how responsible the people involved are. I understand they want to defend themselves at the appropriate time. I think that we all have to have the confidence that there are no vested interests in the drug protocol.

And I know athletes around the world would support -- well, I can't speak for them, but the sentiment that I have heard over and over again would be that is the



ideal solution.

THE COMMISSIONER: All right. Thank you very much.

MR. ARMSTRONG: We have some more witnesses  
5 for the balance of the day, perhaps we could take just five minutes. Ms. Chown and I are going to pass the baton.

THE COMMISSIONER: I want to thank you very much, Mr. Kidd. You have over your life been a great  
10 Canadian. You are still contributing to many aspects of our social and economic and political life.

And thank you very much for the very thoughtful evidence which you have given. Obviously you have done a lot of study on the matter and you have given  
15 me a lot to think about. I appreciate you coming forth and helping us.

THE WITNESS: Thank you very much, and good luck to you, sir.

THE COMMISSIONER: Thank you. We will take  
20 a short break now and see where we are going. Thanks.

--- Short recess



--- Commission resumed.

THE COMMISSIONER: Miss Chown?

MS. CHOWN: Yes, Mr. Commissioner. We do  
5 have our next witness Mr. Warren Robinson with us. He is here and ready to be sworn.

THE COMMISSIONER: Thank you. Mr.  
Robinson.

10

WARREN JAMES ROBINSON: Sworn.

THE COMMISSIONER: Ms. Chown.

MS. CHOWN: Yes, Mr. Commissioner. Before I ask Mr. Robinson some questions, I wish to make a brief statement to you. We are now going to lead some evidence before you with respect to the use of steroids by college 15 football players.

15

We wish to advise you that we have been in touch with counsel to the CIAU, Mr. George House, Q.C., 20 and he advises us that the CIAU have previously endorsed the Sport Canada policy on anti-doping and have endorsed it since its introduction in 1983.

20

He further advises us that the CIAU have been engaged in developing a new and comprehensive 25 anti-doping policy which is about to be implemented this



year. I expect that we will be meeting with Mr. House and the Executive Director of the CIAU in the near future to benefit from their knowledge and experience related to this issue from the perspective of the CIAU.

5

THE COMMISSIONER: Thank you.

---EXAMINATION BY MS. CHOWN:

Q. Mr. Robinson, I understand that you were born on March 18th, 1962, in Toronto?

10 A. That's correct.

Q. And you attended public school and high school in the Mississauga area?

A. Yes I did.

15 Q. You attended York University for the period of 1984 to 1988?

A. That's correct.

Q. And what was your field of study?

A. Sociology.

20 Q. I understand you obtained your B.A. in that field in 1988?

A. Yes, I did.

Q. In March of 1988, you were drafted by the British Columbia Lions football team?

A. That's correct.

25 Q. And you played with that team until



October of 1988 at which time you were released?

A. That's correct.

Q. Following that in the fall of 1988, I understand you worked and traveled out west and returned  
5 to the Toronto area in March of this year?

A. That's correct.

Q. And in fact, in the last short while, you returned to the -- you went to the training camp, the Argonaut training camp in Guelph, but you've made a decision and have, in fact, this morning left that camp?  
10

A. Correct.

Q. Mr. Robinson, I understand you first started your football career when you were in high school in Mississauga?

15 A. Yes.

Q. And you continued when you attended York University and in fact became a member of the York Yeoman Football Team throughout the period of years you attended York University?

20 A. That's correct.

Q. What was your position?

A. Offensive tackle.

Q. Did you play that position throughout your four years at York?

25 A. My first year I was a defensive end and



my last three years I was a tackle.

Q. I would like to direct your attention, if I could, to the question of steroids and ask you when you first ever heard any information about or discussion on the topic of the use of steroids?

A. Probably in the early part of '85. Throughout the team, members of the team were talking about steroids and that's how I first began to know about steroids.

Q. And in 1985 you would have been in your second year at York University?

A. That's correct.

Q. And I believe you indicated the source of this discussion was other team members of the York Yeoman team?

A. That's correct.

Q. What was the nature of the discussion?

A. Just about steroids, what they could do for you, how they could increase your performance. Just that, you know, seeing that a lot of other players were doing it and so on, so it was just basic overall discussion about steroids and football.

Q. From that discussion, did you draw any conclusions as to whether any other members of the York Yeoman Football Team were, in fact, using steroids?



A. Yes.

Q. Your conclusion was that they were?

A. My conclusion was that they were using  
steroids.

5 Q. Following that introduction, by way of  
discussion from your teammates, did you take any steps  
yourself to find out anymore information about steroids?

10 A. Yes, I obtained information from  
libraries and other sources, brochures and research papers  
done by people, and I became -- familiarized myself a lot  
more with steroids.

THE COMMISSIONER: This was done on your  
own studies, was it, Mr. Robinson?

THE WITNESS: Yes.

15 THE COMMISSIONER: You did your own  
research?

THE WITNESS: Yes.

THE COMMISSIONER: Thank you.

20 MS. CHOWN:

Q. And at some point in 1985, did you  
become acquainted with Dr. Jamie Astaphan?

A. Yes.

Q. How did you hear about Dr. Astaphan?

25 A. Just through some of the members of the



York University Yeoman Football Team. They were talking about how you could go to Dr. Astaphan and receive steroids.

5 Q. And as a result of their mentioning his name to you, did you, in fact, first attend at Dr. Astaphan's office in October of 1985?

A. Yes.

10 Q. And do you recall now whether you made that appointment or whether you went along with another team member?

A. I can't recall with any great certainty, but I believe that I went myself and I went to Dr. Astaphan's office and saw him.

15 Q. Will you tell us, please, if you recall what happened at that first visit with Dr. Astaphan?

A. Well, I went into his office and we started talking just about things of the day and then we got into talking about steroids.

20 Q. Did he know that you were a football player at York University?

A. Yes.

Q. Go on, please.

25 A. We just talked about, you know, steroids, their side-effects, what kind of gains could be made by using steroids and just a general overall view of



steroids in, I guess, football.

Q. What information do you recall receiving on side-effects on that visit?

A. I believe we did talk about 5 side-effects. Maybe to what extent I'm not certain, but maybe long-term use and different dosages. Your body would react maybe differently than if you were using small dosages over a short period of time.

Q. Did you have any knowledge yourself 10 before you went to Dr. Astaphan about a particular steroid regime that you wished to follow?

A. No.

Q. And what did you discuss, if anything, with him on that first visit about a program?

A. I just assumed that Dr. Astaphan knew 15 what was sort of best for myself and I left that sort of in his hands.

Q. As to the decision as to what particular steroids you would receive, you left that in 20 his hands?

A. Yes.

Q. Do you recall anything else taking place that first visit by way of a physical examination or the ordering of any lab work?

A. Yes, I think he did give me a physical 25



examination and I think he did -- I did give him urine and blood samples.

Q. On that occasion, did you receive an injection from Dr. Astaphan?

5

A. Not to my knowledge, no.

Q. All right. After that first visit, did you subsequently return to his office?

A. Yes.

10

Q. And when did you begin to receive steroids from him?

A. Probably the next week. I would do that weekly.

Q. What was it that you received?

15

A. I can't say with any great certainty what it was. It was a caramel-coloured substance. He would bring it out of the bottle and inject me with it.

Q. We're talking about an injectable substance?

A. Yes.

20

Q. And did you watch him draw up the substance into the syringe?

A. Yes.

Q. And do you recall at any point discussing with him what the particular substance was?

A. No.



Q. No question in your mind that it was a  
steroid?

A. Yes.

Q. But as far as the name goes, you don't  
5 recall any information about that now?

A. No.

Q. At any time did you receive steroid  
tablets from Dr. Astaphan?

A. No.

10 Q. On the second visit then, as you  
recall, you received your first injection of a steroid and  
that would have been likely sometime in early October  
1985?

A. Yes.

15 Q. And did you continue to attend at his  
office on a regular basis after that visit?

A. Yes.

Q. Do you recall how frequently you went?

A. Once a week.

20 Q. Would you receive an injection each  
time you went?

A. No, on several occasions I had received  
B12 injections.

25 Q. Were you also seeing Dr. Astaphan for  
general health matters or sports-related injuries?



A. Yes, I had a knee problem and shoulder problem that he would look at and put me on a physiotherapy program.

Q. Was there any discussion with Dr. 5 Astaphan at any time during the course of your visits about payment for these injections?

A. Yes.

Q. Tell us about that, please.

A. We had just discussed that it was 10 understood between both parties that there would be, I think, a fee of \$6 an injection or something along that line.

Q. Did you pay him?

A. Yes.

Q. For every injection you received? 15

A. I'm not sure because when he left in '86, I think I owed him 50 or \$100 or something so I didn't pay him for every injection.

Q. We're still in the fall of 1985, and 20 you've told us that you would go on a weekly basis, and did that as well continue into the early months of 1986?

A. Yes.

Q. And can you tell me, please, about an 25 incident that occurred in late February, early March of 1986 when Dr. Astaphan was going to be away on vacation



for a period of weeks?

A. Myself and another teammate received a vial to be used once a week for our purposes, and he gave that to us and we took it home.

5 Q. All right. Did the vial contain the same substance that you had been receiving injections from Dr. Astaphan?

A. Yes.

Q. Did he also provide you with syringes?

10 A. I'm not sure. I don't know.

Q. Did you and your teammate, and I understand the teammate was Mr. Markus?

A. Correct.

15 Q. Did you and Mr. Markus in fact inject each other or inject yourself out of the vial that you had received?

A. Once we did.

20 Q. And when Dr. Astaphan returned to his practice after his vacation, did you resume going back to his office for injections?

A. Yes.

Q. And we have heard evidence that Dr. Astaphan left his practice at the end of the summer in 1986. Do you recall when you last saw him?

25 A. It would be early summer of '86, maybe



May or June.

Q. And did you continue to receive injections from him of steroid up until the time you left?

A. Yes, on and off.

5 Q. I would like to ask you some questions, if I could, Mr. Robinson, about what effects, if any, you noticed physically as a result of taking the steroids. First of all, with respect to strength.

10 A. Yes, I noticed a great increase in my strength.

Q. Did it affect your ability to do bench press?

A. Yes.

Q. To what extent?

15 A. Quite a substantial effect on my bench press and my squat and my other weightlifting activities.

Q. All right. Did you gain any weight?

A. Yes, I gained about 15 pounds.

20 Q. And at that point then in the spring of 1986, what would your weight have been?

A. About 260 pounds.

Q. And any effect on your quickness?

A. Yes.

Q. What did you notice there?

25 A. I noticed that I was quicker off the



ball and quicker off the mark. I just noticed that my speed was greatly increased.

Q. And in your overall training, did you notice any ability to train more frequently or train at a harder level?

A. Yes, my intensity levels during training were greatly increased.

Q. Okay. Now when Dr. Astaphan left in 1986, you therefore were not able to return to him or to continue receiving injections. Did you seek out an alternate source to obtain steroids at that time?

A. Yes.

Q. And again without naming names, but in general terms, what did your source become after Dr. Astaphan left?

A. Within the team.

Q. Another teammate? Did you purchase --

A. Yes, within the team it was there for us to purchase.

THE COMMISSIONER: Injectables or pills at that stage?

THE WITNESS: Both.

MS. CHOWN:

Q. And you yourself then maintained your



supply of both injectables and tablets through this source?

A. Yes.

5 Q. And I believe as you told me earlier, your recollection at this point is that you continued to use anabolic steroids through June of 1986 and you believe you may have gone off then in the summer of 1986 because of some rumours about testing; is that correct?

A. Yes.

10 THE COMMISSIONER: What? I couldn't hear the question, I'm sorry. Rumours. You said something about rumours.

MS. CHOWN:

. 15 Q. You did hear some rumours I understand in early 1986 that there may be some testing carried out of the football players?

A. That's correct.

20 Q. Let's just step back and put that in context. Had there been any testing done of you or to your knowledge of any other members of your team since you had become a member of the York team?

A. No.

25 Q. What did you understand to be the rules or policies as they affected the use of steroids in



college football?

A. My understanding?

Q. Yes.

A. That they were not to be used.

5

Q. They were not to be used?

A. Yes.

Q. Who were the coaches of the York team at the time that you were there, Mr. Robinson?

A. Frank Cosentino and Nobby Wirkowski.

10

Q. And did either Mr. Wirkowski or Mr. Cosentino speak to the players from time to time about anabolic steroid use?

A. Yes, they were very much against it.

15

They would say that if anyone was on it, that they should get off it, and they would indicate that they were opposed to the use of steroids.

Q. And this position was something that both coaches made clear to the players?

A. Yes.

20

Q. And to your knowledge, were either of those coaches aware of your own use of anabolic steroids?

A. No.

25

Q. All right. And these rumours then about testing that came in 1986, that would be the first time that there was any suggestion that testing was going



to be carried out on the ball players?

A. Yes.

Q. Who was going to do this testing?

A. We heard that it was -- I think it was  
5 two sources, either the university or the CIAU.

Q. And you've described it as rumours.

Was there ever any formal notification to you by your coaches or other representatives of the university that, in fact, testing was going to be done?

10 A. No.

Q. What was the -- what effect did it have on you when you heard that testing might be instituted in the summer of 1986?

A. I went off steroids.

15 Q. Was the suggestion that the testing was going to take place at the training camp in 1986?

A. Yes.

Q. Did that, in fact, take place?

A. No.

20 Q. Was there any testing done following 1986 while you were still a member of the team?

A. No.

Q. As a result then of those rumours proving unfounded, did you resume use of steroids through  
25 the 1987 football season?



A. For a brief period, yes.

Q. And when did you stop steroids?

A. Probably before the CFL evaluation camp.

5

Q. Now you've told me that you were invited to go to the CFL evaluation camp which was held in February of 1988?

A. That's correct.

10 Q. And once again, you had heard rumours that there might be testing carried out at that camp?

A. Yes.

Q. And as a result of those rumours, you stopped your steroid use prior to that camp?

A. Yes.

15 Q. Have you at any time resumed steroid use following the end of 1987?

A. No.

20 Q. Now as far as your involvement during the four years that you had at York, can you assist us a bit generally as to, first of all, how extensive you observed the use of anabolic steroids to be in your own team?

A. Quite extensive.

25 Q. Was the use associated with particular positions?



A. Yes, the power positions, strength positions.

Q. And those are basically the offensive and defensive line positions?

5 A. Yes, and linebacker.

Q. And again during those four football seasons that you played, you encountered teams from other universities around Ontario. Were you able to draw any conclusion as to whether steroids were being used by these 10 players on these other teams?

A. Yes, we drew the conclusion that steroid use was at a high level throughout the OEAA.

Q. What did you base that conclusion on, Mr. Robinson?

15 A. Just by physical appearance by the other players, such as being -- just looking around and seeing the other players and seeing their growth throughout the years when I was there and just knowing the size of the players had greatly increased.

20 Q. Would it be fair to say that over the years, you would get to know players and other teams quite well?

A. Yes.

25 Q. And such changes in physical size would be reasonably obvious to you?



A. Yes.

Q. During your time of being a team member at York, was there any formal education sessions, if I can put it that way, that were carried out for the benefit of  
5 the team on steroids?

A. Yes, I believe we had one session where our defensive back coach or something, I can't remember his name, we had a meeting about steroids and how the coaches and the coaching staff generally were against them  
10 in that they weren't as really -- that it wasn't acceptable to be done.

Q. And did that education session as well include information on side-effects of steroids?

A. Yes.

15 THE COMMISSIONER: Were you there?

THE WITNESS: Pardon me?

THE COMMISSIONER: Were you there?

THE WITNESS: Yes.

20 THE COMMISSIONER: But you didn't listen to what the coaches were saying?

THE WITNESS: No. It's not unusual.

THE COMMISSIONER: Well...

MS. CHOWN: Mr. Commissioner, those are all the questions that I have for Mr. Robinson.

25 THE COMMISSIONER: Any questions, Mr.



Sookram?

---EXAMINATION BY MR. SOOKRAM:

Q. Yes. Mr. Robinson, my name is  
5 David Sookram. I represent the interests of Dr. Astaphan.  
I'm not here to collect the fee outstanding. We don't  
have to bother about that.

THE COMMISSIONER: You've disappointed me,  
Mr. Sookram.

10 THE WITNESS: I'm sure he won't miss \$50.

MR. SOOKRAM:

Q. Mr. Robinson, you told us that you had  
done some reading on your own, and I have no doubt in my  
15 mind and I don't think anybody else has doubt in their  
mind that you've got sufficient intellectual ability to  
have discovered for yourself these side-effects of  
steroids?

A. Yes.

20 Q. When you went to Dr. Astaphan, you knew  
quite a bit about side-effects?

A. Yes.

Q. And he talked to you about it as well?

A. Yes.

25 Q. Did he minimize at all in any way the



side-effects?

5 A. Well, like I said earlier, we were talking about, like, massive doses of steroids and smaller doses and what sort of effect they would have on the body and such.

Q. Yes. He told you what you had already known?

A. Yes.

10 Q. And you had already made up your mind to go on steroids when you went to see him?

A. Yes.

Q. It wasn't as if he cajoled you into it?

A. No.

15 Q. Had you thought about going to your own family doctor to ask for steroids?

A. No.

Q. Why not?

20 A. Well, it was quite well known that we could get them off Dr. Astaphan and that, you know, we could go to see him, and there was, you know, probably some feeling on the team that not too many doctors would have given out steroids.

25 Q. What sort of information had you got about Dr. Astaphan's treatment of the athletes from the other athletes?



A. Well, he had a good reputation as a being a good guy and a good doctor, and I think most of the players respected him.

Q. He just didn't shoot you in and out of his office, give you your injections and say go?

5 A. No.

Q. He would sit down and talk to you about other things apart from athletics?

10 A. We had a pretty good friendship, and you know, most of the guys on the team would go and see him and they would spend 15, 20 minutes talking and then receive their injection and then leave.

Q. And then leave?

A. Yes.

15 Q. He showed an interest, not just in the steroids?

A. No, he showed an interest in your performance increases and how you're doing at school and how you're doing during football and such.

20 Q. Mr. Robinson, had you yourself detected any adverse side-effects, and the other footballers, during the four years that you were with that team?

A. No.

25 Q. Had you yourself suffered any side-effects?



A. No.

Q. Had the doctor asked you from time to time whether or not you felt any way different and awkward or suffered any malfunction of any part of your body?

5 A. Yes, I was tested on a regular basis for my urine and blood.

Q. And these injectables, Mr. Robinson, that you bought from within the team after the doctor left, would you be able to tell us whether or not they were the same injectables that the doctor had given you?

10 A. No, but I don't remember the different kinds, but there were a variety of different kinds of steroids.

15 Q. You said, you told us that when the doctor went on holiday sometime in '86, that he had left you a vial of injectables which you and another footballer shared?

A. Yes, I think we did it once or twice for the month that he was gone.

20 Q. Did the doctor show you how to administer the injection before he left?

A. I'm not sure, but we were aware of how it was done.

Q. You were aware?

25 A. Yes.



Q. And the other athlete who shared it  
with you was also aware?

A. Yes.

Q. You don't know how he got that  
knowledge?

A. No.

Q. Thank you very much, Mr. Robinson.

THE COMMISSIONER: Any other questions?

Mr. Robinson, you said that you knew that it was against  
the rules to take steroids?

THE WITNESS: Yes.

THE COMMISSIONER: And that your coaches  
were against it?

THE WITNESS: Yes.

THE COMMISSIONER: And with the defensive  
coach, you had a session to stress that you shouldn't be  
taking steroids?

THE WITNESS: Yes.

THE COMMISSIONER: And you were at the  
university taking a college degree. When I asked you  
about not paying attention to the coach, you sort of said  
well, that's not infrequent, but why would you do that?

Why would you break the rules and go against  
the coach's wishes and sort of take advantage of other  
people trying to make the team that weren't on steroids?



THE WITNESS: Because I thought in order to be competitive, that's what I had to do. I believe that --

THE COMMISSIONER: What are you doing now?

5

THE WITNESS: What am I doing now?

THE COMMISSIONER: Yes. I mean, you're a graduate, but you've just given up football?

THE WITNESS: Yes, I just left the Argonaut training camp.

10

THE COMMISSIONER: But you're going to face a competitive society when you get into the industrial world.

THE WITNESS: It will be more mental than physical though.

15

THE COMMISSIONER: What are you going to do?

THE WITNESS: Hopefully become a policeman.

THE COMMISSIONER: Pardon?

THE WITNESS: A police officer.

20

THE COMMISSIONER: Well, police officers stress obeying the rules, you know?

THE WITNESS: Yes.

THE COMMISSIONER: All right, thank you very much, Mr. Robinson.

25 THE WITNESS: Thank you.



THE COMMISSIONER: We will adjourn now until  
2:15. Thank you very much, Mr. Robinson.

5

--- Commissioner adjourned.

10

15

20

25



---Upon resuming

THE COMMISSIONER: Ms. Chown?

MS. CHOWN: Yes, Mr. Commissioner. Our next  
5 witness is Daniel Markus and he's ready to be present and  
ready to be sworn.

THE COMMISSIONER: Mr. Markus.

DANIEL BALFOUR MARKUS: Sworn

10

THE COMMISSIONER: Very well, Ms. Chown.

EXAMINED BY MS. CHOWN:

15

Q. Mr. Markus, you were born in the  
Bahamas on February 29, 1964?

A. Yes.

Q. You came to Canada in 1972 with your  
family?

A. Yes, I did.

20

Q. I understand you attended public and  
high school in the Toronto area?

A. North York School Board.

Q. And started as a student at York  
University in the fall of 1985?

A. That's correct.

25



Q. And you left York in the spring of  
1987?

A. No, it was at December of '87.

5 Q. At the present time you're employed  
full-time as the manager of a bar/restaurant in  
Scarborough?

A. That's correct.

10 Q. I'd like to turn now to your  
involvement with football. I understand that in high  
school you played football for Newtonbrook Collegiate?

A. Newtonbrook Secondary School.

Q. That it was between 1980 and '85?

A. The first year was '79/80 until my  
graduating year which was '83, I think, '83/84.

15 Q. What positions did you play in high  
school?

A. Offensive line, defensive end.

20 Q. When you went to York University as a  
student, I understand that you became a member of the York  
University team?

A. Correct.

Q. And played on the team, the York Yeoman  
team until the end of your stay at York?

25 A. Correct. My first year, I didn't make  
the team but the following two years, I did.



THE COMMISSIONER: '85 and '86?

THE WITNESS: Yes.

THE COMMISSIONER: You left in '86, was it, December of '86.

5 THE WITNESS: December '86 -- no, December '87.

THE COMMISSIONER: '87, I'm sorry, thank you.

THE WITNESS: December '87.

10

MS. CHOWN:

Q. I'd like to turn to the question of steroids and ask you, first of all, when you first heard any information about or participated in any discussion on 15 steroids?

15

A. First time I ever heard, I guess would probably be in '82 or '83. I was training in a Gold's Gym and there was talk about it and then also in '83 -- I think it was '83, the uproar at the Pan American Games 20 when all the athletes were being sent home.

20

Q. Were you aware of that from reading reports in the newspaper?

A. Yes.

25

Q. And prior to that point, I take it, in your earlier years in high school you had no



information ---

A. Not really, no.

Q. ---about steroids?

A. No.

5 Q. And in those discussions that you had at that gym, you were discussing specific steroids, dosages, that kind of thing?

10 A. No. The discussions really were general discussions about the positive, I guess you could call them, positive effects of steroids in terms of muscle growth and strength growth.

Q. What was your view -- your position on steroids at that time?

15 A. At the time, I was against the use of anabolic steroids.

Q. Now, I understand that you first attended a training camp for the York Yeoman football team in the summer of 1985?

A. That's correct.

20 Q. Was there any discussion that you were part of at that training camp concerning steroids?

A. There was discussion in the locker room by veterans on the team about the use of steroids. Some were open about their use of the steroids, others were not.



Q. Did you gain any information as to what kinds of steroids these other players were involved with?

A. The main name that I can recall from that summer was Dianabol. There was a joke, breakfast of champions. You take your three tablets in the morning with your Wheaties.

Q. And were suggestions made to you by these veterans, as you've called them, that steroids were of some assistance to them in their football careers at York?

A. Yes.

Q. As a result of the information you received from them, did you yourself try to find out more about steroids?

A. Not immediately but following the end of the football season, I started to study about steroids after seeing what it had done for other athletes and I wanted to find out more about them, about the side effects, about the positive effects.

Q. I understand after that training camp at York, you in fact, did not go on to play that season. You were one of the last players cut before the team was formed?

A. Correct.

Q. When you were cut, which I take it



would sometime at the end of the summer or the early fall?

A. Early September.

Q. Did any of the other team members talk  
to you about your chances of getting on the team in  
5 subsequent years?

A. I'm sure there was discussion but right  
now, not to my recollection.

Q. At that point, did you decide to take  
any steps that might help you improve your chances to get  
10 on the team?

A. Excuse me. At the time, I was -- I  
just intended on training harder, naturally, and I assumed  
if I trained harder I would become quicker and stronger  
and my chances would improve for the following season.

15 Q. Now, at some point in your career as a  
member of the York Yeoman football team, did you yourself,  
take steroids?

A. Yes, I did.

Q. Can you tell us what led to that  
20 decision and when it occurred?

A. As the season finished up, I was  
training at the track centre, the Metro Toronto Track  
Centre at York University, with various individuals who  
played that year and there was talk about the use of  
25 anabolic steroids and certain individuals going to a



doctor to obtain them.

Q. And would this be in late 1985, early 1986?

A. Late 1985. I would say late November,  
5 early December.

Q. And you say that there was some talk about a doctor who would provide steroids?

A. Correct.

Q. Was that Dr. Astaphan?

10 A. That's correct.

Q. What did you do as a result of these discussions?

15 A. As I said previous, I was studying up to find out about the steroids. The library of York University is very large. There is a lot of information if you know what you're looking for and I studied and I had come to a point, after seeing what it was doing for other individuals, that I would like to use them to enhance my athletic abilities and eventually -- and I think it was late January of '86 -- I was taken to Dr. 20 Astaphan for a consultation.

Q. I understand, in fact, it was Mr. Robinson who took you?

A. That's correct.

25 Q. All right. Do you recall at this point



what took place at your first visit with Dr. Astaphan?

A. I went into his -- I guess you would say, office, examination room, Warren and myself. Warren introduced us, we talked, he knew what I was there for.

5

Q. When you say that, do you mean that he knew that you were there to get steroids?

A. Yes.

Q. Did he know you were a football player?

10

A. Yes, that was explained to him and he asked why I wanted to go on them. I explained to him, for obvious reasons, to get bigger, stronger, the positive effects of what they would do for you.

15

And he said, we'll do some blood work and urine work on you, on that visit, to make sure that everything was okay and if everything turned out okay, the following week, we would start on the program.

20

Q. Was there any discussion of side effects on that first visit?

A. Not to my recollection, no.

25

Q. Did you at any point during your continued visits to Dr. Astaphan, have a discussion about side effects?

A. On a few occasions, we did. I questioned him about certain side effects and he just -- I don't know if downplay is the word but he said that



they're not that frequent.

Q. The side effects?

A. The side effects.

Q. Now, you believe that you first saw Dr.

5 Astaphan sometime in January of 1986 and you told us on the first visit that he ordered some blood work and urinalysis and talked to you?

A. Correct.

Q. But, you did not receive any steroids?

10 A. No, I did not.

Q. Following that first visit, did you subsequently return and start on a steroid program?

A. The following Friday morning I returned and I received my first injection.

15 Q. All right. What were you receiving?

A. It was a sort of a pinky, reddish substance. He said it was mixed with vitamin B-12. I wasn't sure what the steroid was but a few fellows on the team said it might be Winstrol or stanozolol.

20 Q. Did you have a discussion with Dr. Astaphan at any time and particularly put a question to him as to what the name of the steroid was that you were receiving?

A. Not really. Not to my recollection. I was under the assumption he knew what was he doing, so...



THE COMMISSIONER: I'm sorry. You dropped your voice. You were under the assumption?

5 THE WITNESS: I say, I was under the assumption that he knew what he was doing and it was working for the rest of the team -- not the rest of the team but the individuals on the team.

THE COMMISSIONER: All right.

MS. CHOWN:

10 Q. And the information you received about the kind of steroid it was was from other team members who were also seeing Dr. Astaphan?

A. Correct.

15 Q. Following that second visit, did you continue to see Dr. Astaphan on a weekly basis thereafter?

A. Pretty much so except one about three weeks later I went on reading week. We went out of town, for a week I missed a visit. And then I think I went regularly until he went out of town in late March or early 20 April, every Friday.

Q. We've heard from Mr. Robinson that when Dr. Astaphan left town, Dr. Astaphan supplied Mr. Robinson and you with a vial of the steroid?

A. Correct.

25 Q. All right. Was that a mixture with



vitamin B-12 as well?

A. To my best recollection, yes. It seemed to have basically the same colours as the other injections I received.

5

Q. Did he provide with you syringes on that occasion?

A. To my recollection, yes, we did receive syringes from him. About half a dozen because he was going to be gone for a couple of weeks.

10

Q. Did he provide you with any instructions as to how to inject yourself?

15

A. If I recall properly, the last visit we saw him, before he left, he just told us -- that for me to watch him as he injected Warren and visa versa, to make sure we cleaned the vial with a alcohol swab before we drew the injection and to alcohol our bottom before we injected each other.

Q. And did you, yourself, either inject yourself or receive instructions from this vial?

20

A. Yes, I did.

Q. Following the period that Dr. Astaphan was away on holidays, did you resume going to his office on a regular basis for injections of steroid?

A. Yes, I did.

25

Q. And up to what point did you visit Dr.



Astaphan's office for this purpose?

A. I visited him until I think it was the middle of June when he said he was going on vacation for two weeks and then he -- or two or three weeks and then he would be reopening an office in the Yonge/Eglinton area.

5 Q. We'll come back to that. But your last visits to him were in June of 1986?

A. Sometime in June.

10 Q. All right. Did you ever receive steroids tablets from Dr. Astaphan?

A. Yes, I did.

Q. What you were receiving?

A. Dianabol.

15 Q. Would he provide you with a bottle of Dianabol or this tablet?

A. It was a full sealed bottle, seal intact. It wasn't open.

Q. Was that on one occasion or more than one occasion?

20 A. If I can recall, two occasions during that approximately six months period that I saw him.

Q. Were you to take these tablets in conjunction with the injections?

25 A. Yes. You talk injections with orals; it's called stacking. You get a better gain from your



steroids than taking one alone.

Q. Was there any discussion with Dr. Astaphan about payment for the injections?

A. To my recollection, it was just sort of, we would run a tab, or at least in my case, run a tab and I would make payments to him. Not every week but say every two months.

Q. Was a specific figure mentioned as a charge per shot?

A. No. Once again, I was under the assumption from the fellows on the team that it was either \$7 or \$10 a shot.

Q. And for the tablets, did you pay him for those?

A. Once again, that was put on my running tab and, if I recall, it was \$30 a bottle -- \$25 or \$30.

Q. From time-to-time throughout the -- roughly, the six months you saw Dr. Astaphan, did you make payments to him?

A. If I recall, I made one payment in about April or May.

Q. What effects, if any, did you notice over the six month period that you were taking the injections and the tablets?

A. In side effects or positive gains.



Q. Well, first of all, in the sense, did you notice any increase in your strength?

A. Oh, by all means. I noticed a definite increase in my strength, a definite increase in my training intensity. The intensity levels just went way up. But, I found I could train much longer and at higher weights. Positive weight gains.

5 Q. What would your weight have been in that spring time period of 1986?

10 A. When I started in January, I think I weighed about 205 pounds when I -- the first time I went to see Dr. Astaphan. And by the end of the summer, when my program had finished, I guess I was about 220 to 222.

15 Q. Did you notice any negative effects or side effects?

A. There was an increase in acne on my back and chest. I had heightened aggression levels. I noticed that. And maybe a bit of a testicular atrophy. Not a great deal, though.

20 Q. Now, we heard some evidence from Mr. Robinson this morning that there were some rumors that were passed around the ball players in 1986 about testing that might be done on the team. Did you hear those rumors yourself at that time?

25 A. Yes, I did.



Q. And what was the rumor?

A. The rumor was that we were going to be tested in the summer of '86 at the training camp prior to the season for anybody on the team using anabolic steroids.

5

Q. And prior to that, those rumors being passed around, had you had discussions at any time with your coaches about, first of all, the rules as they applied to the use of anabolic steroids in football or non-use?

10

A. As I say, I didn't play that year so any real discussion directed at the team didn't have much to do with myself.

15

Q. Were you aware of the policies of the CIAU with respect to steroid use?

20

A. Yes, I was. Not the actual policy but I knew the CIAU frowned down on the use.

Q. And from that time and the year after that you played football for York, what position did your coaches take with respect to steroid use?

A. They were against the use of steroids.

Q. Is that a statement that they made to individual team members and made their views generally known?

25

A. Both, both.



Q. Now, going back then to the summer of 1986, what effect, if any, did it have on you when you heard these rumors that there was going to be testing at the training camp?

5 A. I was a little worried that we would be tested and what the results of the test would be, what the penalty would be for being caught using anabolic steroids.

Q. Was there any discussion of a penalty?

10 A. There was no actual discussion but I'm sure -- I know myself I assumed that the penalty would be, you wouldn't play.

Q. And we have heard, of course, from Mr. Robinson that no testing took place at that training camp in the summer of 1986?

15 A. Correct.

Q. We'll take it you're also aware of and agree with his evidence that no testing took place following that through the balance of the time that you indeed spent at York?

20

25



A. To my knowledge, even to this day no testing has occurred.

Q. And you've told me earlier that you have some recollection at that training camp of going to a session led by Mr. Norm Gledhill in which a tape or slide presentation on anabolic steroids was shown?

A. Correct. One afternoon during practices -- we were on two days of practice in the morning, a practice in the afternoon, and one of the days we had finished practice for the day -- I should say for the morning. We had gone for lunch. When we came back, we were told to report to one of the rooms downstairs in the Phys. Ed. building at York University.

Some of us were a little worried. We assumed that we were going to be tested when they told everyone to report down there. When we reported down, Dr. Gledhill did a slide presentation on ergogenic aids in sports dealing with everything from blood-doping to the use of anabolic steroids to amphetamines, et cetera.

Q. And was it at that time that it was made clear that there was going to be no testing that year?

A. That's correct.

Q. What was the reaction of the ball players to that announcement?



A. Extreme relief.

Q. Now just going back a bit to 1986 and picking up on something that you said earlier which was you had heard from Dr. Astaphan that he would be moving his office in the spring of 1986?

5 A. The summer of '86.

Q. And did you expect that you would be able to continue to see Dr. Astaphan but yet at a different office location?

10 A. That's correct. He had said that when he came back from his vacation, he would be opening a new office and we would be getting a card in the mail as to the address of it.

Q. And did that ever happen?

15 A. No.

Q. Did you subsequently find out in fact he had closed down his practice in Ontario?

A. That's correct.

20 Q. Now at that point therefore, you were not obviously able to return to him to obtain steroids. Did you look around to find an alternate source for obtaining the steroids?

25 A. At the time, as I said, it was almost the season, and then during the season, I would not train very hard so I figured the using of anabolics during the



season would be more of a detriment than a positive aid because if you're not using them, they'll just load up on your system, but after the end of the season, I started to look around.

5 Q. Okay, and were you able to obtain steroids from other individuals?

A. Yes, that's correct.

Q. Did you continue to therefore go on a steroid regime after purchasing steroids for your own use?

10 A. That's correct.

Q. And did you purchase injectables as well as tablets?

A. Correct.

15 Q. And without naming names, can you tell us, first of all, were steroids to your knowledge available from other teammates of yours?

A. That's correct, yes.

Q. And what other sources again in general terms did you look to for steroids?

20 A. In general terms, you can go to just about any gym in the city of Toronto, and maybe not now they're not as readily available, but in '86-'87, they were extremely available. That was one of my sources at one point.

25 Q. In fact you mentioned at the outset of



your testimony that you had, in fact, trained at a particular gym and that's when you first heard discussion about anabolic steroids?

A. That's correct.

5 Q. And did you then in late 1986 go back to a gym in Toronto and purchase steroids there?

A. That's correct.

Q. And were those purchases from someone associated with the gym or someone training at the gym?

10 A. Both actually.

Q. And how long did you continue on a steroid program?

A. Steroids that I obtained from that individual or just how long in general?

15 Q. In general terms.

A. I did a short cycle then and I went off for six to eight weeks, and then I went on for another six-week cycle, I guess, in March of '87 which took me almost to the end of April. And then I discontinued my steroid use. Actually, I think in the summer of '87, I might have done a small cycle of just Dianabol, a four-week cycle.

20 Q. We have heard earlier that you left York University late in 1987, and I understand the fall of '87 was a particularly difficult time for you and you were



involved in a serious car accident at that point?

A. That's correct.

Q. While you were at York University, I understand that your area of study was physical education?

5

A. Correct.

Q. At any time during your courses, was there any discussion of or focus on anabolic steroids and other performance-enhancing drugs in sport?

10

A. Not to a great degree. In my third year physiology course, we spent about a day and a half, two days discussing anabolic steroids, but it wasn't so much as the practical use of them or the side-effects. It was more or less how steroids interact in the body and the actual cell.

15

Q. If I can just ask you to turn your attention, for a moment, to other college teams within Ontario. I take it through the years that when you were playing with those teams, you got to know other team members quite well?

20

A. You become acquainted with individuals from other teams, but I would say I didn't have any great friendships with very many individuals on the other teams.

25

Q. All right. First of all, dealing with your own team, what during the years that you were a member of the team, to what extent were steroids used by



your teammates?

A. I would say -- well, when I was there, roughly 25 to 30% of the team used them. As Warren said this morning, the best strength positions, the lines, 5 linebackers.

Q. Those were the positions --

A. Where the extra weight, the extra strength is at a great advantage.

Q. Were you able, based on your contact 10 with other teams, to form any conclusion about whether steroids were being used by other college teams?

A. There is noticeable characteristics in steroid users due to some of the side-effects, so yes, I was able to make a conclusion of other teams using them.

15 Q. Can you give us your impression of what the extent of usage was with the teams that you played against?

A. I would say the same as ours if not greater at some universities. When you have universities 20 with the heaviest line - I refer to the offensive line in the CIAU - it's not all natural.

Q. Were these players that you would notice from time to time, that there would be significant gains and losses in weight as the season progressed?

25 A. Yes, or from season to season.



Q. So following then when you left school in late 1987, you have not really had any further involvement with football?

A. Not really, just pretty much as a  
5 spectator.

Q. Thank you, Mr. Markus. Those are my questions.

THE COMMISSIONER: Any questions, Mr. Sookram? Any questions?

10 MR. SOOKRAM: Yes.

---EXAMINATION BY MR. SOOKRAM:

Q. Mr. Markus, my name is David Sookram. I represent the interests of Dr. Astaphan.

15 You told us, sir, that sometime you discovered that there were certain side-effects to your using the steroids?

A. Correct.

20 Q. How long after you had started with Dr. Astaphan did these side-effects take to manifest themselves?

A. Certain ones, I would say with the acne, that probably took about a month. Then with the testicular atrophy, I probably didn't notice that for a few months because, as I say, it wasn't that great, but to  
25



myself it was noticeable, take concern in that sort of thing.

Q. Did you discuss this with Dr. Astaphan?

A. I had mentioned the side-effects to  
5 him, yes.

Q. And did he not say to you, Mr. Markus,  
you should stop until the condition clears up?

A. No, he did not. He said to my  
recollement that in the off cycles, when you are on  
10 steroids, theoretically the proper use, if there is a  
proper use, you should cycle on for a certain amount of  
weeks and then cycle off for a certain amount of weeks  
where you're completely not using anything. He said in  
the off cycles that would sort of correct itself.

15 Q. Straighten itself out?

A. Pretty much so, yes.

Q. And did it straighten itself out?

A. To a degree certainly the side-effects  
did. My skin would clear up, the aggression levels  
weren't as heightened. It took quite a while for the  
20 other problem though to correct itself.

Q. Yes. When you first went to Dr.  
Astaphan, according to your recollection, you didn't  
discuss any side-effects of steroids, but you told us  
25 subsequently he seemed, if I got your word right, he



seemed to have downplayed the side-effects?

A. That's correct.

Q. Is it not exactly what you had read  
that taken in small doses, steroids do not have any  
5 noticeable adverse effects? Was that not in keeping with  
what you had read?

A. No, I never said that. Not to my  
knowledge.

Q. No, I'm asking you. You had read  
10 something. You told me --

A. Within my readings, did --

Q. -- you had started a study to find out  
more, including more about side-effects?

A. No, in my readings it did mention the  
15 side-effects, yes, pertaining to the acne, the heightened  
aggression, the atrophy.

Q. So you knew about it before you went to  
the doctor?

A. Yes, I knew about it.

Q. And despite the fact that the doctor  
20 left in 1986, you still continued with the steroids?

A. That's correct.

Q. Yes, and you continued knowing that in  
the past there were side-effects?

A. That's correct.



Q. Did they recur, the side-effects?

A. When I started up on my own program?

Q. Yes.

A. Yes, they did.

5 Q. The acne recurred?

A. Yes, it did.

Q. Would it be fair to say, sir, that the decision to go on steroids was made by you without any assistance of Dr. Astaphan?

10 A. The decision, yes, that's correct. The decision was made by myself, but at the time I didn't have the means or the actual knowledge of where else to go to get the steroids.

15 Q. Yes, but the decision to go on the steroids was yours?

A. Oh, yes, the decision was mine. I accept my actions.

20 Q. And after Dr. Astaphan left and these side-effects manifested themselves or continued to manifest themselves, did you seek help from any other doctor?

A. No, I did not.

Q. You just hoped that it would clear away by themselves?

25 A. Well, as I said previous, Dr. Astaphan



had said that in the off cycles, they would correct themselves and he never took any great concern at the time to the side-effects that I was experiencing, so even though I knew they would arise again with further use, I just continued to do it.

5 Q. Did you see similar side-effects in other athletes?

A. To a degree, yes, you could see the heightened aggression, you could see the acne.

10 Q. Did they seem concerned? Did they express concern to you?

A. Not really, no.

Q. Did you -- I'm almost reluctant to put this question, you see. I like your forthrightness.

15 Didn't you like yourself very much at that time? You took all those risks?

20 A. Now that I look back at myself, I prefer myself much more today than I did during that, say, two-year period when I was using them. There was a definite change in my character.

Q. Tell me something about Dr. Astaphan. Tell us something about Dr. Astaphan. Did he seem caring to you? Did he seem concerned?

25 A. To a degree he seemed concerned. As Warren said this morning, we would go in the office, we



would sit and chat. It wouldn't just be in and out, jab you with a needle. We would sit, we'd talk about various things, politics, whatever, school, football, how the training is going.

5 Q. You talked about the educational side of your training as well as the physical side?

A. Yes.

Q. Did he come at any time to see you at the track?

10 A. No. During the year, I wouldn't do too much training at the track because -- maybe once or twice a week because most of my classes were during the daytime when students had the best access to the weight facilities at the track. I would train at night at various gyms in  
15 the city.

Q. Had Dr. Astaphan ever kept in touch with you after he left the country?

A. No, he hasn't.

Q. He didn't write to you?

20 A. No.

Q. You didn't write to him at all?

A. As I say, for the longest of time, I didn't even know where he was.

25 Q. I take it that you still owe him a bit of money?



A. Probably a bit. Not too much because, as I say, I made a payment in, I think, March or April and I continued to --

5 Q. And he has never approached you for whatever was outstanding?

A. No, he has never approached me for the --

Q. As far as you know, has he ever approached anybody else, if you know, that owes him?

10 A. Not my knowledge, and I know there is other individuals on the team who owed a lot more than myself.

Q. Would it be fair to say, sir, from your own knowledge, that Dr. Astaphan wasn't very much interested in the financial aspect of this steroid use?

15 A. I can't really --

Q. More he was interested in the results?

A. It's hard to say because we're going every week. Take myself. I went every week for almost 20 six months. He is billing OHIP for each visit. That's why I'm here, because if he wasn't billing OHIP, they wouldn't know.

He is billing OHIP for each visit, and whatever the fee was at the time, 32, \$35, so, you know, 25 \$7 doesn't make much of a difference to a 32 to \$35 visit



each week.

Q. Well, the records don't show that, but it's not my job to correct you. He billed OHIP for the time you spent with him, not for the steroids?

5 A. That's what I'm saying. I was billed for the visit and whatever the fee was for a general visit each week.

Q. You think he did it just for the money or he wasn't interested --

10 A. I wouldn't say he did it just for the money. He was involved with a lot of athletes. He was involved with track people, body builders, football players.

15 Q. And he seemed to have a genuine interest in the athletes themselves as people?

A. It seemed that way, you know, when he would sit down and talk with us.

Q. Thank you very much.

THE COMMISSIONER: Thank you, Mr. Sookram.

20 Any other questions?

--- RE-EXAMINATION BY MS. CHOWN:

Q. Mr. Commissioner, I just have one point that I would like to clarify, if I could.

25 Mr. Markus, just something I should have



clarified with you earlier to make sure that we understood your answer. When you indicated that you thought that 25 to 30% of teammates were on steroids, were you referring to the whole team or referring to the offensive and

5 defensive linemen?

A. Oh, I'm referring to the whole team. We didn't carry a lot of offensive linemen or defensive linemen. There wasn't too many to go around, so the majority of the team was individuals, some other players.

10 So the majority of the offensive line, defensive line, linebackers I would assume -- or even to my knowledge I know they were on.

Q. So you're saying two things, that the majority of the offensive and defensive linesmen, it was your assumption, were on steroids, but the team looked at

15 as a whole?

A. A lot of the other positions don't require the body weight or the strength levels that playing on the lines or as a linebacker requires. A lot

20 of them are more speed positions.

Q. Thank you.

THE COMMISSIONER: Thank you very much, Mr. Markus. Thank you.

MS. CHOWN: Mr. Commissioner, our next witness is Charles Oxley and he is present.



CHARLES PATRICK OXLEY: Sworn.

THE COMMISSIONER: Ms. Chown.

5

---EXAMINATION BY MS. CHOWN:

Q. Mr. Oxley you were born in Toronto on August 6, 1963?

A. That's right.

10

Q. You attended public and high school in the Toronto area?

A. Yes.

Q. Attended high school at North Toronto Collegiate Institute?

15

A. Right.

Q. You obtained your grade 13 from North Toronto in 1982?

A. Yes.

20

Q. And you went on to attend York University between 1982 and 1987?

A. Right.

Q. What was your field of study at York?

A. History and political science.

25

Q. And I understand that you obtained an honours B.A. in history with a minor in political science



then in 1987?

A. That's right.

Q. You since graduating I understand have  
worked and traveled and at the present time work for a  
5 catering company in Toronto full-time?

A. That's correct.

Q. And I understand that you played  
football in high school and continued on to become a  
member of the York Yeoman Football Team when you were a  
10 student at York?

A. That's correct.

Q. And were you on the team for the years  
between 1982 and '87?

A. Yes, I was.

15 Q. And can you tell us how you first  
became aware of steroids and other performance-enhancing  
drugs?

20 A. Well, approximately 1985 or even '86 I  
became aware through some of the players and started to  
look into it myself.

Q. So your first years at York, that is  
between 1982 and '85, you heard nothing about steroids?

25 A. I wasn't really involved with the team  
outside of playing so I didn't associate with that many  
players.



THE COMMISSIONER: Did you play all those years?

THE WITNESS: Yes, sir.

5

MS. CHOWN:

Q. So sometime in 1985 was the first time that you began to have discussions with teammates that involved the topic of steroids?

A. Yes, that's correct.

10

Q. And I understand in your fourth year as a player on the York Yeoman, you had had a particularly good season?

A. Well, I thought I played all right, but others would question that.

15

Q. Well, you're the one in the witness chair. What was your position?

A. At the time offensive line.

Q. And looking forward to your --

20

THE COMMISSIONER: How much do you weigh? You don't look as big as your friends over here, unless you've got a better tailor.

25

THE WITNESS: I have an excellent tailor, if you need to know where to go, but at the time in my fourth year I weighed approximately 220. Right now I'm only around 204.



MS. CHOWN:

Q. And I understand that you gave some thought at the end of the fourth season to perhaps trying  
5 to gain some muscle for your fifth season?

A. That's correct.

Q. All right, and what was your long-term view of your football prospects at that time?

A. Limited, but I was hoping to have a  
10 good season in my fifth and maybe get a tryout or something.

THE COMMISSIONER: That would be what year,  
'85?

THE WITNESS: It would have been '86.

15 MS. CHOWN:

Q. And in these discussions that you had with your teammates in late '85, did you hear the name of Dr. Astaphan?

20 A. Yes, I did.

Q. And what was the context in which his name was mentioned to you?

A. It was, from what I understood, he was a doctor you could approach and receive steroids from.

25 Q. And as a result of that information,



did you, in fact, go to Dr. Astaphan yourself?

A. I went with a member of the team.

Q. That was Mr. Robinson?

A. That's correct.

5

Q. And as I understand, your first visit to Dr. Astaphan was sometime early in 1986?

A. Spring of, yes.

Q. Could you briefly tell us what you recall happening on the first visit?

10 A. I went into the office, Dr. Astaphan spoke to me for approximately 20, 30 minutes outlining the effects and cautioning as to the use of steroids. Not to abuse it, to use it in moderation along his guidelines.

15 Q. Some of the other players we have had have indicated that they did a bit of their own research before going to see Dr. Astaphan. Had you yourself done any of that kind of reading?

A. I had done some research and had spoken to the players who had done a little more, so --

20 Q. Was that before you went to see Dr. Astaphan?

A. That's correct.

25 Q. So he had some discussion with you about cautioning you about the use of steroids in that first visit?



A. That's correct.

Q. What else do you recall happening?

A. It was a while ago. That's basically just a conversation.

5

Q. Did you receive any injections or tablets from him on the first visit?

A. No injections. I may have received a bottle of Dianabol, but I couldn't be sure.

10 Q. Do you recall whether any blood work or urinalysis was ordered by Dr. Astaphan?

A. Again, I can't recall perfectly, but I believe some work was done.

15 Q. Now I understand that you actually saw Dr. Astaphan for a relatively brief period of about six to eight weeks in the spring of 1986 and that was the extent of your visits to him?

A. That's correct.

Q. And during those visits, were you also attending at his office on a once-a-week basis?

20 A. That's right.

Q. And you began to receive injections, I presume, therefore on your second visit to Dr. Astaphan?

A. That's correct.

25 Q. What were you receiving, to your knowledge?



A. A B12 plus a steroid. He did mention what it was, but I couldn't recall right now.

Q. And you mentioned that he may have given you a bottle of Dianabol tablets on the occasion of 5 your first visit to him. Did you take Dianabol tablets in conjunction with the injections over that six to eight-week period?

A. Yes, I did.

Q. Did Dr. Astaphan have any discussion 10 with you at any time about payment to him for either the tablets or the injections?

A. No discussion was brought up. He didn't seem overly concerned about it.

Q. Okay. I take it from that you didn't 15 offer to pay him --

A. After speaking to some of the players who had gone to Dr. Astaphan, I knew the basic price list, but an actual discussion of money was never brought up in his office.

Q. Did you notice any physical changes in 20 yourself as a result of this six to eight-week period of steroid use?

A. Increase in strength and my workouts got better. The period I could work out was longer.

Q. During the five years that you were at 25



York and participating on the football team, what information, if any, did you receive from your coaches about the steroids and policy regarding steroids?

5 A. Well, the years before Frank Cosentino and Nobby Wirkowski came, there was never a mention of anything about steroids or any form of drugs. After that, there began to be some lectures as to, you know, the effects of them and not to do them.

10 Q. And when did Mr. Cosentino and Mr. Wirkowski become the coaches at York?

A. I believe it was '85 or '86. I can't --

15 Q. You're being corrected from the audience. The year was 1984. So you're saying when you were there in 1982, up to the arrival of Mr. Wirkowski and Mr. Cosentino, you do not recall any discussion on that topic at all?

A. No, it may have occurred, but I don't recall hearing about it.

20 Q. And when those two gentlemen became the coaches, what exactly did they do to bring information about steroids to the team?

A. As Dan and Warren pointed out earlier, in '86 we did have a meeting with Gledhill about the effects of steroids and the fact that they weren't allowed



under the CIAU charter.

Q. Are you referring to the meeting that took place at the training camp in the summer of 1986?

A. Yes.

5

Q. At that time some audio visual presentation on steroids was shown?

A. That's correct.

Q. And did your coaches make it clear to you what their attitude about the use of steroids was?

10

A. Yes, they did.

Q. And what was that?

A. They didn't condone their usage.

15

Q. And I'm going to ask you, Mr. Oxley, as I've asked the other players, first of all, whether you, yourself, formed the impression as to the extent of steroid use by your team members on the York Yeoman team?

20

25



A. Pretty well the same as what Dan said.  
The lines and the linebackers were the individuals who  
were the primary users.

5

Q. All right. Of the lines and  
linebackers, what do you estimate the extent of usage among  
those positions was?

A. Approximately 80 to 90 percent, at  
least. As far as, like I said, it was all rumours. I  
didn't see people injecting themselves or taking steroids  
10 or even having them, but just rumours that I heard.

Q. And with respect to other positions on  
the team, did you form any impressions as to whether those  
individuals --

A. Very slight, if any.

15 Q. And as well, were you able through the  
course of your competitive career as a team member to form  
any impression about the extent of use first of all among  
the lines in other college teams?

A. Again just rumours, but it was assumed  
20 that pretty well all the teams in the OEAA were using  
them.

Q. Would the percentages be the same as  
you have indicated, that is a higher percentage on the  
offensive and defensive line?

25

A. I would assume so. I would assume so,



yes.

MS. CHOWN: Thank you, Mr. Oxley, those  
are my questions.

THE COMMISSIONER: Any questions?

5 MR. SOOKRAM: Just two short questions.

--- EXAMINATION BY MR. SOOKRAM:

Q. Mr. Oxley, you told us that -- my name  
is David Sookram, I represent the interests of Dr.  
10 Astaphan.

You told us, Mr. Oxley, that your coaches  
did not sanction the use of steroids?

A. That's correct.

Q. Because it was against the rules of the  
15 International Olympic Commission and other athletic  
bodies?

A. That's correct.

Q. Did anybody emphasize to you the  
dangers of the steroids?

A. The coaches?

Q. Yes.

A. Again it was a few years ago. I  
couldn't recall specifically, but I am sure that they did.

Q. The presentation that was given at one  
25 of the training camps about steroids, did that



presentation emphasize the dangers of the steroids or just the methods of using them?

A. It did talk about the dangers if abused.

5 Q. When you went to Dr. Astaphan, did you know that it was dangerous to use steroids?

A. I knew there was some risk if was abused.

Q. If abused?

10 A. Yes.

Q. And the doctor warned you about --

A. He was very specific in the amounts that could be taken safely, and advised not to take above that amount.

15 Q. I take it you didn't abuse the steroids at all?

A. Myself, it was very limited.

Q. And you didn't have any side effects at all?

20 A. Not anything major. Nothing that I really noticed.

Q. Nothing that you noticed.

A. Maybe increased acne problems, but besides from that --

25 Q. You told us that the first time you



went to the doctor you spent about 20 minutes chatting?

A. Yes.

Q. I take it it wasn't 20 minutes chatting  
about steroids?

5 A. No. He was interested in you as what  
was happening and events as well. Also events in his  
life, what he was doing and such.

10 Q. Did you get the impression that he was  
very, very involved with athletics, that he liked it very  
much?

A. He seemed to take great pride in the  
success some of his athletes had achieved.

Q. Pride?

A. Yes.

15 MR. SOOKRAM: Thank you very much, sir.

THE COMMISSIONER: Any other questions?

Mr. Oxley, I think you said that the coaches  
have made it clear that they did not approve of the use of  
steroids amongst the athletes?

20 THE WITNESS: That's correct.

THE COMMISSIONER: You knew it was against  
the rules of the CIAU?

THE WITNESS: Yes, sir.

25 THE COMMISSIONER: Now, Mr. Robinson and  
Mr. Markus have said that in giving their assessment of



the frequency of or extent of steroid use you can sort of tell that by looking at physiques of your colleagues and opponents, do you agree with that?

THE WITNESS: Yes.

5

THE COMMISSIONER: I think it is on that basis that the opinion is expressed as to the extent of the use of the opposing teams. I gather the other teams wouldn't discuss it with you privately or did they?

THE WITNESS: When you are shaking hands after a game, you are not discussing that, no.

10 THE COMMISSIONER: But if you were able to sort of give that opinion or come to an educated view of it, I guess the coach would be in the same position as you were, wouldn't they?

15

THE WITNESS: I would think so, yes.

THE COMMISSIONER: And the coach sees somebody like yourself during a training period suddenly get bigger, stronger, faster, and meaner, isn't that a quick way -- isn't that the way they put it?

20

THE WITNESS: Well, we weren't Steve Austin out there, but we -- I would think that they would have some idea as to who was using and who wasn't.

25

THE COMMISSIONER: I would think so. And did they ever ask any of the athletes are you taking any drugs, anybody ask you?



THE WITNESS: They never asked me personally. I am not sure if they asked others, but I think they did.

5 THE COMMISSIONER: I see. And what did the -- do you know what the response was?

THE WITNESS: I would assume if they were asked, they would deny it.

10 THE COMMISSIONER: They would deny it. But it wasn't pursued I guess. You have got a pretty large percentage of both the offensive line and defensive line on your team, they all really in quite a short period of time having quite a change in their physique.

15 THE WITNESS: Over a period of years or months, yes.

THE COMMISSIONER: Well, over a period of months, right. I mean from the to begin of a training season to the end of a training season you can see quite a change.

THE WITNESS: A noticeable change, yes.

20 THE COMMISSIONER: Yes. Wouldn't they notice how much keener you were to practice than your normal routine?

THE WITNESS: They might just assume that it was the individual's enthusiasm about playing.

25 THE COMMISSIONER: About the chances to



make the team.

THE WITNESS: Yes. It's very difficult for them to really put their foot down.

5

THE COMMISSIONER: I understand. I was just trying to get some information.

And I am still puzzled, though, as to why knowing it was against the rules, knowing if you got caught you would not be on the team, I guess you felt there was no risk, there was no testing. Is that what made you sort of give in to this temptation.

10 THE WITNESS: Well, we knew that the risk of being caught was slight. And that was -- that was one of the factors as to why. Other players were using them and other teams and other leagues, so it seemed to be common practice.

15 THE COMMISSIONER: Well, when Mr. Markus was asked by Mr. Sookram how you felt about himself when you are cheating really and playing in a game against the rules at some risk to your health, and he said felt much today than he did in those days. Did you not feel at least sheepish about it in those days? Did it worry you at all, even the ethics of it, apart from the health problems.

20

THE WITNESS: I was concerned somewhat, yes.

25

THE COMMISSIONER: All right. Thank you



very much for your assistance to the Commission. Thank you.

We are just going to take a five-minute break, then we can get on with the next witness.

5

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Ms. Chown.

10 MS. CHOWN: Mr. Commissioner, our last witness for this afternoon is Mr. Frank Paradiso.

THE COMMISSIONER: Mr. Paradiso.

FRANCESCO ALESSANDRO PARADISO: Sworn

15

MS. CHOWN:

Q. Yes, Mr. Paradiso, you were born in Toronto on March 9th, 1968?

A. Yes.

20 Q. You went to public school and high school in the Markham area?

A. Yes.

Q. You attended York University between 1983 and 1988?

25 A. '84.



Q. '84 and '88?

A. Yes.

Q. You obtained a Bachelor of Arts degree  
in geography?

5

A. Yes.

Q. Your first two years you were in a  
different field of study, and that was what?

A. Phys. ed.

10 Q. I understand as well that during the  
course of your studies at York you were also a member of  
the York Yeoman Football team for those four years?

A. For five.

Q. What position did you play?

A. Inside linebacker.

15 Q. Had you started playing football in  
high school?

A. Yes.

Q. That was the position you played in  
high school as well?

20

A. Yes.

Q. Following your graduation from York  
University in 1988, I understand you were drafted by the  
Argonauts in June of that year?

A. Yes.

25

Q. What happened after your draft?



A. Well, I had my right knee scoped, and I decided to go back to school to finish off my degree.

Q. All right. What are your present plans?

5

A. Well, I went back to free agent camp this year. I didn't get signed back on. So, in November I will be going to Europe to play there for six months in Northern Italy.

10

Q. You are playing for an Italian team?

A. Yes.

Q. Mr. Paradiso, can I turn your attention to the question of steroids and ask you to tell the Commissioner and the rest of us when you first were exposed to any discussion about steroids?

15

A. My first year at York.

Q. So, that would that be 1984?

A. Yes, '84.

Q. With whom did you have that discussion?

A. Well, with a couple of the older players on the team that were taking steroids.

Q. What kind of information did they pass on to you?

A. Well, what it would do for you, how it would help if you had a bad injury, you know, how it would increase your athletic abilities, and who you could go to



to get it.

Q. Was it your understanding from this discussion that the older players were using steroids themselves?

5 A. Yes.

Q. Now, I understand in your first year or after your first football season you were in fact named rookie of the year at York?

A. Yes.

10 Q. What was your attitude at that time to the use of steroids?

15 A. Well, my attitude towards steroids was that I wouldn't take them unless it made a difference. If it was going to make the difference between me making pro ball and not making pro ball.

And first I, you know, I had to have the ability because I wasn't going to take steroids if I was, you know, if I didn't even have a chance of making pro ball.

20 And after my first year, you know, I thought that I had a really good shot of eventually playing pro ball, and I thought it would get me over the hump. And I decided to take them.

25 Q. When you say you thought steroids would get you over the dump, to use your words, what



particularly were you hoping that steroids would do for you that you couldn't do otherwise by training and diet and so on?

5 A. Well, the way the CFL holds their evaluation camp each year, you could -- a player can go to that camp with absolutely no football ability at all and because of his physical abilities get drafted.

THE COMMISSIONER: Because of his physical abilities, his size and speed?

10 THE WITNESS: Well, I know of one example where a player didn't even play his draft year, but he went to that evaluation camp and he was strongest there first position and the quickest and he was drafted pretty high without even playing that year.

15 MS. CHOWN:

Q. So, you are saying there is a stress placed on strength and size in the evaluation camp?

A. Well, university ball players in Canada, I mean they get so little coverage that if they don't impress, you know, impress the scouts at that evaluation camp, you know, that's the only way they are going to get -- they get drafted.

20 I mean you take a really good football player and he goes to the evaluation camp and, you know,



if he doesn't bench 225, you know, 20 times or run a four-seven, they don't care, you know, how good he was on the field. They won't give him a chance.

5

Q. Now, I understand that in your second year for playing for York you in fact suffered some injuries?

A. Yes. I had tore my trap on the left side, it affected my neck and my left shoulder.

10

Q. And combining that factor together with your own view that you seemed to have of a promising start in the first year, you told us you made a decision that you were going to take steroids?

A. Yes.

15

Q. You also mentioned as a result of discussiona that you had had with other ball players you heard where you could get them, and, in particular, were you directed to Dr. Astaphan?

A. Yes.

20

Q. Now, I understand that you first began to see Dr. Astaphan sometime at the end of 1985 or early 1986?

A. Yes.

Q. And up to that point had you tried anabolic steroids from any other source?

25

A. No.



Q. Can you tell us very briefly what you recall of your first visit to Dr. Astaphan?

A. Well, my first visit I went with another ball player, Louie Taffo. And we just walked in.  
5 He asked us why we wanted to go on steroids. What, you know, where we wanted to end up. And he talked to us about the program he was going to put us on. And then he gave -- he gave us a blood test and urine test just to make sure everything was all right.

10 Q. Was there any discussion with Dr. Astaphan about side effects of steroids?

A. Well, yes, a little bit, but I had pretty well knew, both of us knew what we were getting into. It's not like -- we knew what the side effects were, but we also knew that you had to abuse it before, you know, you know, anything bad would happen to you.  
15

Q. When you say you pretty well knew what the side effects were, what was your source for that information?

20 A. Oh, just through reading magazines, muscle magazines, talking to body builders, and through stuff like that.

Q. Did you receive any steroids from Dr. Astaphan on your first visit?

25 A. No. I think it was the following week.



Q. What did you receive on that occasion?

A. I am not sure exactly what it was, but like Warren said it was like a creamy color.

Q. An injection?

5

A. An injection, yes.

Q. Did you ever receive any tablets from Dr. Astaphan?

A. Yes, on one occasion. He was away on holidays for a week, I think, and he gave us some Dianabol.

10  
15  
Q. Any discussion that you had with Dr. Astaphan about payment for either the tablets or the injections?

A. No, I never talked to him directly. It was through the other players that, you know, they told you, well, it was whatever, six or seven dollars. And I never did pay him. He had left before I had the chance, but he never asked me for it. I mean, he never made any mention of it.

20  
Q. All right. Did you continue to see Dr. Astaphan after those first two visits on weekly basis?

A. Yes, pretty well once a week.

Q. Would that have continued up until the summer of 1986 when Dr. Astaphan closed down his practice?

25

A. Yes.



Q. Can you tell us what effects, if any, you noticed as a result of taking steroids over that approximate six-month period?

A. Well, I had really bad acne on my back and, well, increased aggression, but that was pretty well about it.

5 Q. Did you notice any changes in your weight?

10 A. I did gain weight, but it wasn't anything that I couldn't have probably done on my own.

Q. Any change in your strength?

A. Yes, increased a bit, but again it didn't -- it didn't jump incredibly.

15 Q. We have heard from other witnesses the effect in general of taking steroids on training is that one is able to train harder and to take shorter recovery periods between training sessions. Is that an effect what you noticed?

A. Yes, that's true.

20 Q. Mr. Paradiso, did you yourself have any discussions at any time with your coaches about steroids?

A. Yes, I did.

Q. All right. Now, your coaches would be Mr. Casentino and Mr. Wirkowski?

25 A. Yes. Well, it was Nobby that I would



have talked with.

Q. That's Mr. Wirkowski?

A. Yes.

Q. Can you tell us about those  
5 discussions, please.

A. Well, he -- he would just talk about, you know, in the old days how guys didn't have to be this big. And he would just say, you know, there isn't really a use for steroids. You know, if nobody used them, but he didn't realize that, you know, once some people started 10 using them, unless it stopped, everybody is going to use them. But he didn't -- he didn't really -- he didn't realize how many people in fact on the team were on steroids. And he didn't know that I was steroids.

15 Q. He did know or he did not know?

A. He did not know.

THE COMMISSIONER: He did not know.

MS. CHOWN:

20 Q. What was his own attitude as he expressed it to you and the other team members about the use of steroids?

A. Oh, he was against steroids.

25 Q. Were you present at some of the education sessions that we have heard about from the other



players?

A. Yes, I was present at Norm Gledhill's discussion, but I mean he said -- he said that next year there will be testing, but he didn't come across with any credibility. I mean -- I mean he said statements such as after the Vanier Cup, both teams will be tested and if any of the players test positive they will take the Vanier Cup away. We just thought that was really -- you can't do that. I mean so, we just -- it wasn't credible, his presentation.

Q. So, you didn't believe --

A. No.

Q. -- the statements he made were going to be followed up seriously --

A. No.

Q. -- by the management of the team and coaches?

A. Yes.

THE COMMISSIONER: I sorry, he said that there would be testing the following year?

THE WITNESS: He said there would be.

THE COMMISSIONER: And after the Vanier Cup, as well?

THE WITNESS: After the Vanier Cup. He said --



THE COMMISSIONER: Did you make the Vanier Cup that year?

THE WITNESS: No, no, we didn't. We had a good team that year, but, no.

5

THE COMMISSIONER: But you didn't take him seriously. I don't quite understand that. You didn't think they were going to test or --

THE WITNESS: I mean it was almost -- he was just trying to scare us. I mean Norm Gledhill was against steroids and if he could do it -- you know, he wanted to do everything he could, but he himself couldn't do it. But we just didn't take him serious.

I mean you could see that because the following year, I mean, there wasn't any testing and the guys that had been taking steroids were still taking them.

10

15 THE COMMISSIONER: All right.

MS. CHOWN:

Q. In the years that you spent in the physical education department at York University, did steroids -- were steroids ever discussed --

20 A. No.

Q. -- as part of your class?

A. No.

25

Q. Mr. Paradiso, we have heard some views



expressed by your fellow team members in their evidence about the extent of steroid use. And I am going to ask you the same question.

5 First of all, were you able to form any conclusion yourself about the extent of steroid use among the York Yeoman football players for the years that you played between 1984 and 1988?

A. Well, it was about 30 percent, 30-35 percent of the players especially --

10 Q. Of the whole team?

A. Yes, of the whole team, but the majority were linemen and linebackers.

Q. Of the line and linebackers, what percentage is your assumption were on steroids?

15 A. 70 or 80, a lot of them were.

Q. Those estimates that you have given us hold true with respect to your conclusions about other college teams during the same period?

20 A. Well, with other college teams aside from appearance, I mean I have a lot of mutual friends, you know, and I know for a fact, not just from seeing them, I know for a fact that they do use steroids.

Q. So, you had some direct personal information --

25 A. Oh, yes.



Q. -- from other players. And were you able as well to make observations about other teams based on --

5 THE COMMISSIONER: He said apart from the observations, he has chatted with these people.

THE WITNESS: Yes.

MS. CHOWN: Thank you, Mr. Paradiso, those are the questions I have.

10 THE COMMISSIONER: Thank you. Mr. Sookram.

MR. SOOKRAM: Just two, sir.

THE COMMISSIONER: Mr. Sookram is here in the interests of Dr. Astaphan.

MR. SOOKRAM: Thank you, sir.

15 ---- EXAMINATION BY MR. SOOKRAM:

Q. Mr. Paradiso, when you first went to Dr. Astaphan with the other football player, you had already made up your mind to go on steroids?

20 A. Yes.

Q. Just as a matter of interest, if Dr. Astaphan hadn't taken you on, would you have gone on to another doctor or would you have gone on the black market?

25 A. No, I would have gone to another doctor if I knew -- if there was one available. I wouldn't have



gone on the black market.

Q. You wouldn't have gone on the black market?

A. Well, I thought, well, if I was going to do it, I would do it with a doctor's supervision.

5 Q. You would have tried to get another doctor?

A. Well, I don't know -- well, if I could have, yes, but I mean I wouldn't. You know, if I couldn't get another doctor, I wouldn't be able to get another doctor, that would have been it.

10 Q. You might have given up?

A. Exactly.

Q. You might have?

15 A. Might have, yes.

Q. But you had already determined to go on that path?

A. Yes.

MR. SOOKRAM: Thank you so much.

20 THE COMMISSIONER: Thank you. Any other questions?

Well, thank you for your assistance, Mr. Paradiso.

25 All right. Is that the evidence for this week?



MS. CHOWN: Yes, Mr. Commissioner, those  
are our witnesses for today.

THE COMMISSIONER: We will adjourn until  
Monday morning at 10 o'clock.

5 Thank you, Mr. Paradiso.

10 ---Whereupon the proceedings adjourned until Monday, June  
26, 1989

15

20

25





